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ACT I OF 1870.

(*Received the assent of the Governor General on the 14th January* 1870.)

AN ACT TO PROVIDE RULES RELATING TO QUARANTINE.

1. Power to make quarantine rules.
2. Quarantine rules to be deemed rules under section 271 of Penal Code.

WHEREAS it is expedient to empower expressly the Governor General of India in Council and the Local Governments to make rules relating to quarantine; It is hereby enacted as follows:— Preamble.

I. It shall be lawful for the Governor General of India in Council and (with the previous sanction of the said Governor General in Council) for the Local Governments respectively, from time to time, to make rules for putting any vessel into a state of quarantine; for regulating the intercourse of vessels in a state of quarantine with the shore, or with other vessels; and for regulating the intercourse between ports where an infectious disease prevails and other ports. Power to make quarantine rules.

II. All such rules shall be published in the *Gazette of India* and also in the local Gazette, and shall thereupon be deemed to be rules made and promulgated under section 271 of the Indian Penal Code. Quarantine rules to be deemed rules under section 271 of Penal Code.

ACT II OF 1870.

REPEALED BY ACT VI. OF 1871.

ACT III OF 1870.

(*Received the assent of the Governor General on the 14th January* 1870.)

AN ACT TO REMOVE THE AGROR VALLEY FROM THE JURISDICTION OF THE TRIBUNALS ESTABLISHED UNDER THE GENERAL REGULATIONS AND ACTS AND FOR OTHER PURPOSES.

1. Short title.
2. Repeal of Ordinance.
3. Extent of Act.
4. Agror Valley removal from operation of general Regulations and Acts.
5. Administration of justice and settlement and collection of revenue.
6. Place of imprisonment or transportation.
7. Power to extend laws.
8. Questions of disputed boundary.

WHEREAS it is expedient to remove the territory known as the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows:— Preamble.

I. This Act may be called "The Agror Valley Act, 1870." Short title.

II. The Ordinance of the fourth day of October, 1869, "to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes" is hereby repealed. Repeal of Ordinance.

III. The said territory shall be deemed to include such portions of the Districts of Hazára, Attok and Ráwalpindí, as the Lieutenant Governor of Extent of Act.

the Panjáb has appointed for the purposes of the said Ordinance, or shall from time to time appoint for the purposes of this Act.

Agror Valley removed from operation of general Regulations and Acts.

IV. Save as hereinafter provided, the territory known as the Agror Valley is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the offices of revenue constituted by the Rules, Regulations and Acts in force in the territories under the control of the said Lieutenant Governor, as well as from the law prescribed for the said Courts and offices by the Rules, Regulations and Acts aforesaid; and no Act hereafter passed by the Council of the Governor General for making Laws and Regulations, shall be deemed to extend to any part of the said territory, unless the same be specially named therein.

Administration of justice and settlement and collection of revenue.

V. The administration of civil and criminal justice within the said territory, and the superintendence of the settlement and realization of the public revenue and of all matters relating to the peace and good government of the same territory, and to rent payable therein, are hereby vested in such officers as the said Lieutenant Governor may, for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint.

The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant Governor, and be guided by such instructions as he may from time to time issue.

Place of imprisonment or transportation.

VI. Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea under any order or sentence passed by any officer or court empowered as provided in this Act, may be imprisoned in any civil or criminal jail, or transported to any place which the said Lieutenant Governor may direct.

Power to extend laws.

VII. The said Lieutenant Governor may from time to time, by notifications in the official Gazette, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by the Council of the Governor General for the purpose of making laws and Regulations; and may, on making such extension, direct by whom any power or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

Questions of disputed boundary.

VIII. Whenever a question arises whether any place falls within the boundary of the said territory, such officer as the said Lieutenant Governor shall from time to time appoint may consider and determine on which side of the boundary such place lies, and the order made thereon by such officer shall be final.

ACT IV OF 1870.

(Received the assent of the Governor General on the 4th February 1870.)

AN ACT FOR INVESTING THE ASSISTANT COMMISSIONER IN CHARGE OF THE KULLU SUB-DIVISION OF THE KANGRA DISTRICT WITH CERTAIN APPELLATE POWERS.

1. Assistant Commissioner of Kullu may hear appeals.
2. Appeal from Assistant Commissioner's orders.
3. Commencement and continuance of Act.

Preamble.

WHEREAS it is expedient to invest the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain appellate powers in civil cases; It is hereby enacted as follows:—

Assistant Commissioner of Kullu may hear appeals.

I. Notwithstanding anything contained in Act No. XIX of 1865 (*to define the jurisdiction of the Courts of Judicature of the Panjáb and its Dependencies*) the Assistant Commissioner or other officer for the time being

in charge of the parganas of Kullu, Seoráj, Lahoul and Spití, commonly called the Kullu Sub-division of the Kángra District, may hear appeals in civil cases from the decisions and orders of the Tahsíldár of Sultánpúr, the Tahsíldár of Plach, the Négí of Lahoul and the Nono of Spití.

Appeal from Assistant Commissioner's orders.

II. An appeal shall lie from the decisions and orders of such Assistant Commissioner or other officer as aforesaid, to the Commissioner of the Division, in like manner as though such decisions or orders had been given by the Deputy Commissioner of the District, and the provisions of Act No. VII of 1868 (*to amend the law relating to Appeals and Reviews of Judgment in the Panjáb*) with reference to the Deputy Commissioner, shall be held to apply to such Assistant Commissioner or other officer as aforesaid.

Commencement and continuance of Act.

III. This Act shall come into operation on the first day of March 1870, in regard to all cases pending or liable to appeal in the Courts of the Tahsíldár of Sultánpúr, the Tahsíldár of Plach, the Négí of Lahoul, and the Nono of Spití on that date, and shall remain in force until the thirtieth day of April 1873, and, in the case of any appeal preferred before the thirtieth day of April 1873, until such appeal has been disposed of.

ACTS V AND VI OF 1870.

REPEALED BY ACT VI OF 1871.

ACT VII OF 1870.

(*Received the assent of the Governor General on the* 11*th March* 1870.)

THE COURT FEES' ACT 1870.

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THE COURT FEES' ACT, 1870.

CHAPTER I.

PRELIMINARY.

I. This Act may be called "The Court Fees' Act, 1870:" Short title.
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CHAPTER II.

FEES IN THE HIGH COURTS AND IN THE COURTS OF SMALL CAUSES AT THE PRESIDENCY TOWNS.

III. The fees payable for the time being to the clerks and officers (other than the sheriffs and attorneys) of the High Courts established by Letters Patent, by virtue of the power conferred by Statue twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four, section fifteen, or chargeable in each of such Courts under number eleven of the first, and numbers seven, twelve, fourteen, sixteen, twenty and twenty-one of the second, schedule to this Act annexed; and the fees for the time being chargeable in the Courts of Small Causes at the Presidency Towns and their several offices; shall be collected in manner hereinafter appearing. Levy of fees in High Courts on their original sides. Levy of fees in Presidency Small Cause Courts.

IV. No document of any of the kinds specified in the first or second schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by, any of the said High Courts in any case coming before such court in the exercise of its extraordinary original civil jurisdiction; or in the exercise of its extraordinary original criminal jurisdiction; or in the exercise of its jurisdiction as regards appeals from the judgment of two or more judges of the said Court, or of a Division Court; or in the exercise of its jurisdiction as regards appeals from the Courts subject to its superintendence; or in the exercise of its jurisdiction as a Court of reference or revision; unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document. Fees on documents filed, &c., in High Courts in their extraordinary jurisdiction. In their appellate jurisdiction. As Courts of reference and revision.

V. When any difference arises between the officer whose duty it is to see that any fee is paid under this chapter and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in any of the said High Courts, be referred to the taxing officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of such High Court, or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf. Procedure in case of difference as to necessity or amount of fee.

When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the Clerk of the Court, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the First Judge of such Court.

The Chief Justice shall declare who shall be taxing-officer within the meaning of the first paragraph of this section.

CHAPTER III.

Fees in other Courts and in Public Offices.

Fees on documents, filed &c., in Mofussil Courts or in public offices.

VI. Except in the Courts hereinbefore mentioned, no document of any of the kinds specified as chargeable in the first or second schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document.

Computation of fees payable in certain suits.

VII. The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows :—

For money:

i. In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)—according to the amount claimed :

For maintenance and annuities:

ii. In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year :

For other moveable property having a market-value:

iii. In suits for moveable property other than money, where the subject-matter has a market-value—according to such value at the date of presenting the plaint:

iv. In suits—

For moveable property of no market-value:

(*a*) for moveable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title,

To enforce a right to share in joint family property:

(*b*) to enforce the right to share in any property on the ground that it is joint family property,

For a declaratory decree and consequential relief:

(*c*) to obtain a declaratory decree or order, where consequential relief is prayed,

For an injunction:

(*d*) to obtain an injunction,

For easements:

(*e*) for a right to some benefit (not herein otherwise provided for) to arise out of land, and—

For accounts:

(*f*) for accounts—

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.

In all such suits the plaintiff shall state the amount at which he values the relief sought, and the provisions of the Code of Civil Procedure, section thirty-one, shall apply as if, for the word 'claim,' the words 'relief sought,' were substituted—

For possession of land, houses and gardens:

v. In suits for the possession of land, houses and gardens—according to the value of the subject-matter ; and such value shall be deemed to be where the subject-matter is land, and—

(*a*) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue, and such revenue is permanently settled—ten times the revenue so payable :

(*b*) where the land forms an entire estate, or a definite share of an estate paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid ; and such revenue is settled, but not permanently—five times the revenue so payable :

(*c*) Where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue, and nett profits have arisen from the land during the year next before the date of presenting the plaint—fifteen times such nett profits : but where no such nett profits have arisen therefrom—the amount at which the

Court shall estimate the land with reference to the value of similar land in the neighbourhood:

(*d*) Where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as above mentioned—the market-value of the land:

Provided that, in the territories subject to the Governor of Bombay in Council, the value of the land shall be deemed to be— Proviso as to Bombay Presidency.

(1) Where the land is held on settlement, for a period not exceeding thirty years, and pays the full assessment to Government—a sum equal to five times the survey-assessment;

(2.) Where the land is held on a permanent settlement, or on a settlement for any period exceeding thirty years, and pays the full assessment to Government—a sum equal to ten times the survey-assessment; and

(3.) Where the whole or any part of the annual survey-assessment is remitted—a sum computed under paragraph (1) or paragraph (2) of this proviso, as the case may be, in addition to ten times the assessment, or the portion of assessment, so remitted:

Explanation.—The word 'estate,' as used in this paragraph, means any land subject to the payment of revenue, for which the proprietor or a farmer or ryot shall have executed a separate engagement to Government, or which in the absence of such engagement, shall have been separately assessed with revenue.

(*e*.) Where the subject-matter is a house or garden—according to the market-value of the house or garden: For houses and gardens:

vi. In suits to enforce a right of pre-emption—according to the value (computed in accordance with paragraph v. of this section) of the land, house or garden in respect of which the right is claimed: To enforce a right of pre-emption:

vii. In suits for the interest of an assignee of land-revenue—fifteen times his nett profits as such for the year next before the date of presenting the plaint: For interest of assignee of land-revenue:

viii. In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached: To set aside an attachment:

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest: Proviso.

ix. In suits against a mortgagee for the recovery of the property mortgaged, and in suits by a mortgagee to foreclose the mortgage, or, where the mortgage is made by conditional sale, to have the sale declared absolute—according to the principal money expressed to be secured by the instrument of mortgage: To redeem or foreclose.

x. In suits for specific performance— For specific performance:

(*a*) of a contract of sale—according to the amount of the consideration.

(*b*) of a contract of mortgage—according to the amount agreed to be secured:

(*c*) of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term:

(*d*) of an award—according to the amount or value of the property in dispute:

xi. In the following suits between landlord and tenant:— Between landlord and tenant.

(*a*) for the delivery by a tenant of the counterpart of a lease,

(*b*) to enhance the rent of a tenant having a right of occupancy,

(*c*) for the delivery by a landlord of a lease,

(*d*) to contest a notice of ejectment,

(*e*) to recover the occupancy of land from which a tenant has been illegally ejected by the landlord, and

(*f*) for abatement of rent—

according to the amount of the rent of the land to which the suit refers payable for the year next before the date of presenting the plaint.

Fee on memorandum of appeal against order relating to compensation.

VIII. The amount of fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of land for public purposes, shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

Power to ascertain nett profits or market-value.

IX. If the Court sees reason to think that the annual nett profits or the market-value of any such land, house or garden as is mentioned in section seven, paragraphs five and six, have or has been wrongly estimated, the Court may, for the purpose of computing the fee payable in any suit therein mentioned, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court.

Procedure where nett profits or market-value wrongly estimated.

X. i. If in the result of any such investigation the Court finds that the nett profits or market-value have or has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee: but if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additonal fee as would have been payable had the said market-valne or nett profits been rightly estimated:

ii. In such case the suit shall be stayed until the additional fee is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed:

iii. Section one hundred and eighty of the Code of Civil Procedure shall be construed as if the words 'the market-value of any property or' were inserted after the word 'ascertaining,' and as if the words 'or annual nett profits' were inserted after the word 'damages.'

Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed.

XI. In suits for mesne profits or for immoveable property and mesne profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer.

Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

Decision of questions as to valuation.

XII. i. Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this chapter on a plaint or memorandum of appeal, shall be decided by the Court in which such plaint or memorandum as the case may be, is filed, and such decision shall be final as between the parties to the suit:

ii. But whenever any such suit comes before a Court of appeal reference or revision, if such Court considers that the said question has been wrongly decided, to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of section ten, paragraph ii, shall apply.

Refund of fee paid on memorandum of appeal.

XIII. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the

grounds mentioned in section three hundred and fifty-one of the same Code, for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of fee paid on the memorandum of appeal:

Provided that, if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

Refund of fee on application for review of judgment.

XIV. Where an application for a review of judgment is represented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorizing him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

Refund where Court reverses or modifies its former decision on ground of mistake.

XV. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back from the Collector so much of the fee paid on the plaint or memorandum of appeal* as exceeds the fee payable on any other application to such Court under the second schedule to this Act, No. one clause (*b*) or clause (*d*).

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

Additional fee where respondent takes objection to unappealed part of decree.

XVI. When any appeal is presented to a Civil Court, not against the whole of a decision, but only against so much thereof as relates to a portion of the subject-matter of the suit, and, on the hearing of such appeal, the respondent takes, under section three hundred and forty-eight of the Code of Civil Procedure, an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to.

Multifarious.

XVII. Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeals in suits embracing separately each of such subjects would be liable under this Act.

Nothing in the former part of this section shall be deemed to affect the power conferred by the Code of Civil Procedure, section nine.

Written examinations of complainants.

XVIII. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, the complainant shall pay a fee of eight annas, unless the Court thinks fit to remit such payment.

Exemption of certain documents.

IX. Nothing contained in this Act shall render the following documents chargeable with any fee:

i. Power-of-attorney to institute or defend a suit when executed by an officer, warrant-officer, non-commissioned officer or private of Her Majesty's army not in civil employment.

ii. Declarations mentioned in section one hundred and eighteen and section one hundred and sixty-four of the Code of Civil Procedure.

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* See Act XX 1870.

iii. Written statements called for by the Court after the first hearing of a suit.

iv. Plaint presented to a Military Court of Requests and petition for execution of a decree of such Court.

v. Plaints in suit tried by Village Munsifs in the Presidency of Fort St. George.

vi. Plaints and processes in suits before District Panchâyats in the same Presidency.

vii. Plaints in suits before Collectors under Madras Regulation XII of 1816.

viii. Probate of a will, letters of administration, and certificate mentioned in the first schedule to this Act annexed, No. 12, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed one thousand rupees.

ix. Application or petition to a Collector or other officer making a settlement of land-revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

x. Application relating to a supply for irrigation of water belonging to Government.

xi. Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding, under direct engagement with Government, land of which the revenue is settled but not permanently.

xii. Application for service of notice of relinquishment of land or of enhancement of rent.

xiii. Written authority to an agent to distrain.

xiv. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.

xv. Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.

xvi. Petition, application, charge, or information respecting any offence, when presented, made or laid to or before a Police officer, or to or before the Heads of Villages or the Village Police in the territories respectively subject to the Governors in Council of Madras and Bombay.

xvii. Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

xviii. Complaint of a public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a Railway Company.

xix. Application for permission to cut timber in Government forests, or otherwise relating to such forests.

xx. Application for the payment of money due by Government to the applicant.

xxi. Petition of appeal against the chaukídárí assessment under Act No. XX of 1856, or against any municipal tax.

xxii. Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.

xxiii. Petitions presented to the Special Commissioner appointed under Bengal Act No. II of 1869 (*to ascertain, regulate and record certain tenures in Chota Nagpúr*).

xxiv. Petitions under the fourteenth and fifteenth of Victoria, chapter forty (*An Act for Marriages in India*), section five, or under Act No. V of 1852, section nine.

CHAPTER IV.

PROCESS FEES.

Rules as to costs of processes.

XX. The High Court shall, as soon as may be, make rules as to the following matters:—

i. The fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction.

ii. The fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police officers may arrest without a warrant; and

iii. The remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

The High Court may from time to time alter and add to the rules so made.

Confirmation and publication of rules.

All such rules, alterations and additions shall, after being confirmed by the Local Government, and sanctioned by the Governor General of India in Council, be published in the local official Gazette, and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now leviable for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Act.

Tables of process fees.

XXI. A Table in the English and Vernacular languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

Number of peons in District and Subordinate Courts.

XXII. Subject to rules to be made by the High Court and approved by the Local Government and the Governor General of India in Council, every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto, and for the purposes of this section, every Court of Small Causes established under Act No. XI of 1865 (*to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature*) shall be deemed to be subordinate to the Court of the District Judge.

Number of peons in Mofussil Small Cause Courts.

Number of peons in Revenue Courts.

XXIII. Subject to rules to be framed by the Chief Controlling Revenue Authority and approved by the Local Government and the Governor General of India in Council, every officer performing the functions of a Collector of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court or the Courts subordinate to him.

Process served under this chapter to be held process served under Civil Procedure Code.

XXIV. Every process served or executed under this chapter shall be held to be a process within the meaning of section one hundred and eighty-eight of the Code of Civil Procedure, and of section two of Act No. XXIII of 1861 (*to amend Act VIII of 1859*).

CHAPTER V.

Of the Mode of Levying Fees.

Collection of fees by stamps.

XXV. All fees referred to in section three or chargeable under this Act shall be collected by stamps.

Stamps to be impressed or adhesive.

XXVI. The stamps used to denote any fee chargeable under this Act shall be impressed, or adhesive, or partly impressed and partly adhesive, as the Governor General of India in Council may, by notification in the *Gazette of India*, from time to time direct.

Rules for supply, number, renewal and keeping accounts of stamps.

XXVII. The Local Government may, from time to time, make rules for regulating—

(*a*). The supply of stamps to be used under this Act,

(*b*). The number of stamps to be used for denoting any fee chargeable under this Act,

(*c*) the renewal of damaged or spoiled stamps, and

(*d*) the keeping accounts of all stamps used under this act :

Provided that, in the case of stamps used under section three in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court :

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

Stamping documents inadvertently received.

XXVIII. No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped.

But if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or in the case of a High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct : and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

Amended document.

XXIX. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation of stamp.

XXX. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER VI.

Miscellaneous.

Repayment of fees paid on applications to Criminal Courts.

XXXI. i. Whenever an application or petition containing a complaint or charge of an offence, other than an offence for which officers may arrest without warrant, is presented to a Criminal Court, the Court, if it convict the accused person shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee paid on such application or petition.

ii. In the case mentioned in section eighteen, the Court, if it convict the accused person, shall in addition to the penalty imposed upon him, order him to repay to the complainant the fee, if any, paid by the latter for the examination.

iii. When the complainant has paid fees for serving processes in either of the cases mentioned in the first and second paragraphs of this section, the Court, if it convict the accused person, shall, in addition, to the penalty imposed upon him, order him to repay such fees to the complainant.

iv. All fees ordered to be repaid under this section may be recovered as if they were fines imposed by the Court.

Amendments of Act VIII of 1859, sections 308, 309, 371, 373.

XXXII. The Code of Civil Procedure, sections three hundred and eight and three hundred and nine, shall be read as if, for the words 'stamp-duty' and 'stamps,' the words and figures 'fees chargeable under the Court Fees' Act, '1870,' were substituted; section three hundred and seventy-one of the same Code shall be read as if, for the words 'a stamp of the value,' the words 'the payment of the fee,' were substituted; and section three hundred and seventy-three of the same Code shall be read as if, for the words 'on a stamp paper of the value, the words 'and shall be chargeable with the fee,' were substituted; and as if, for the words 'for the stamps,' the words 'the fees,' were substituted.

* * * * *

Admission in criminal cases of documents for which proper fee has not been paid.

XXXIII. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section four or section six shall be deemed to prohibit such filing or exhibition.

Rules for sale of stamps.

XXXIV. In the General Stamp Act, 1869, section forty-eight shall be read as if, for the words and figures 'Act No. XXVI of 1867 (*to amend the law relating to stamp Duties*),' the words and figures 'the Court Fees' Act, 1870,' were substituted.

Power to reduce or remit fees.

XXXV. The Governor General of India in Council may from time to time, by modification in the *Gazette of India*, reduce or remit, in whole or in any part of British India, all or any of the fees mentioned in the first and second schedules to this Act annexed, and may in like manner cancel or vary such order.

Saving of fees to certain officer of High Court.

XXXVI. Nothing in chapters II and V of this Act applies to the commission payable to the Accountant General of the High Court at Fort William, or to the fees which any officer of a High Court is allowed to receive in addition to a fixed salary.

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* The words omitted have been repealed by Schedule III, Act XVI of 1870.

SCHEDULE I.

Ad valorem Fees.

Number.		Proper Fee.
1. Plaint or memorandum of appeal (not otherwise provided for in this Act), presented to any Civil or Revenue Court, except those mentioned in section three*	When the amount or value of the subject-matter in dispute does not exceed five rupees ...	Six annas.
	When such amount or value exceeds five rupees, For every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees. ...	Six annas.
	When such amount or value exceeds one hundred rupees, For every ten rupees, or part thereof, in excess of one hundred rupees up to one thousand rupees ...	Twelve annas.
	When such amount or value exceeds one thousand rupees, For every one hundred rupees or part thereof, in excess of one thousand rupees up to five thousand rupees ...	Five rupees.
	When such amount or value exceeds five thousand rupees, For every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees ...	Ten rupees.
	When such amount or value exceeds ten thousand rupees, For every five hundred rupees or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees ...	Fifteen rupees.
	When such amount or value exceeds twenty thousand rupees, For every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees ...	Twenty rupees.

* See the Table annexed to this Schedule.

SCHEDULE 1—*continued.*

Ad valorem Fees.

NUMBER.		PROPER FEE.
1. Plaint &c.—(*continued*).	When such amount or value exceeds thirty thousand rupees, For every two thousand rupees, or part thereof in excess of thirty thousand rupees, up to fifty thousand rupees ...	Twenty rupees.
	When such amount or value exceeds fifty thousand rupees. For every five thousand rupees or part thereof, in excess of fifty thousand rupees ...	Twenty-five rupees.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be three thousand rupees. ...	
2. Plaint or memorandum of appeal* in a suit for possession under Act No. XIV. of 1859 (*to provide for the limitation of suits*), section fifteen.	... ...	A fee of one-half the amount prescribed in the foregoing scale.
3. *Repealed.*		
4. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.	... ...	The fee leviable on the plaint or memorandum of appeal.
5. Application for review of judgment if presented before the ninetieth day from the date of the decree.	... ...	One-half of the fee leviable on the plaint or memorandum of appeal.
6, Copy or translation of a judgment or order not being, or having the force of, a decree.	When judgment such or order is passed by any Civil Court other than a High Court or by the presiding officer of any Revenue Court or Office, or by any other Judicial or Executive Authority—	
	(*a*).—If the amount or value of the subject-matter is fifty or less than fifty rupees ...	Four Annas.
	(*b*).—If such amount or value exceeds fifty rupees ...	Eight Annas.
	When such judgment or order is passed by a High Court ...	One Rupee.

* See Act XX of 1870.

SCHEDULE I—*continued.*

Ad valorem Fees.

NUMBER.		PROPER FEE.
7. Copy of a decree, or order having the force of a decree.	When such decree or order is is made by any Civil Court other than a High Court, or by any Revenue Court—	
	(*a*).—If the amount or value of of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees ...	Eight Annas.
	(*b*).—If such amount or value exceeds fifty rupees ...	One Rupee.
	When such decree or order is made by a High Court ...	Four Rupees.
8. Copy of any document liable to stamp-duty under the General Stamp Act, 1869, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a*).—When the stamp-duty chargeable on the original does not exceed eight annas.	The amount of the duty chargeable on the original.
	(*b*).—In any other case ...	Eight annas.
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report, or the like, taken out of any Civil or Criminal or Revenue Court or office, or from the office of any chief officer charged with the executive administration of a Division.	For every three hundred and sixty words or fraction of three hundred and sixty words	Eight annas.

SCHEDULE I—*continued.*

Ad valorem Fees.

NUMBER.		PROPER FEE.
10. Certificate of administration granted under Act XL of 1858 (for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal), or under Act No. XX of 1864 (for making better provision for the care of the persons and property of minors in the Presidency of Bombay).	If the amount or value of the property in respect to which such certificate is granted does not exceed five hundred rupees	Five rupees.
	If such amount or value exceeds five hundred rupees but not one thousand rupees ...	Ten rupees.
	And for every thousand rupees, orpart thereof, in excess of one thousand rupees ...	Five rupees.
11 Probate of a will or letters of administration with or without will annexed.	If the amount or value of the property in respect of which the probate or letters or certificate shall be granted exceeds one thousand rupees ...	Two per centum on such amount or value.
12. Certificate granted under Act No. XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*), or under Bombay Regulation VIII of 1827 (*to provide for the formal recognition of Heirs, Executors and Administrators, and for the appointment of Administrators and Managers of Property by the Courts*).	NOTE.—The person to whom any such certificate is granted or his representative, shall, after the expiration of twelve months from the date of such certificate and thereafter whenever the Court granting such certificate requires him so to do, file a statement on oath of all monies recovered or realized by him under such certificate. If the monies so recovered or realised exceed the amount of debts or other property as sworn to by the person to whom the certificate is granted, the Court may cancel the same and order such person to take out a fresh Certificate and pay the fee prescribed by this schedule for such excess. In default of filing such statement within the time allowed, the Court may cancel the certificate.	

Table of rates of ad valorem fees, leviable on the institution of suits.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. As. P.
.....	5	0 6 0
5	10	0 12 0
10	15	1 2 0
15	20	1 8 0
20	25	1 14 0
25	30	2 4 0
30	35	2 10 0
35	40	3 0 0
40	45	3 6 0
45	50	3 12 0
50	55	4 2 0
55	60	4 8 0
60	65	4 14 0
65	70	5 4 0
70	75	5 10 0
75	80	6 0 0
80	85	6 6 0
85	90	6 12 0
90	95	7 2 0
95	100	7 8 0
100	110	8 4 0
110	120	9 0 0
120	130	9 12 0
130	140	10 8 0
140	150	11 4 0
150	160	12 0 0
160	170	12 12 0
170	180	13 8 0
180	190	14 4 0
190	200	15 0 0
200	210	15 12 0
210	220	16 8 0
220	230	17 4 0
230	240	18 0 0
240	250	18 12 0
250	260	19 8 0
260	270	20 4 0
270	280	21 0 0
280	290	21 12 0
290	300	22 8 0
300	310	23 4 0
310	320	24 0 0
320	330	24 12 0
230	340	25 8 0
340	350	26 4 0

Table of rates of ad valorem fees, &c.,—continued.

When the amount of value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
350	360	27 0 0
360	370	27 12 0
370	380	28 8 0
380	390	29 4 0
390	400	30 0 0
400	410	30 12 0
410	420	31 8 0
420	430	32 4 0
430	440	33 0 0
440	450	33 12 0
450	460	34 8 0
460	470	35 4 0
470	480	36 0 0
480	490	36 12 0
490	500	37 8 0
500	510	38 4 0
510	520	39 0 0
520	530	39 12 0
530	540	40 8 0
540	550	41 4 0
550	560	42 0 0
560	570	42 12 0
570	580	43 8 0
580	590	44 4 0
590	600	45 0 0
600	610	45 12 0
610	620	46 8 0
620	630	47 4 0
630	640	48 0 0
640	950	48 12 0
650	660	49 8 0
660	670	50 4 0
670	680	51 0 0
680	690	51 12 0
690	700	52 8 0
700	710	53 4 0
710	720	54 0 0
720	730	54 12 0
730	740	55 8 0
740	750	56 4 0
750	760	57 0 0
760	770	57 12 0
770	780	58 8 0
780	790	59 4 0
790	800	60 0 0
800	810	60 12 0

Table of rates of ad valorem fees, &c.,—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
810	820	61 8 0
820	830	62 4 0
830	840	63 0 0
840	850	63 12 0
850	860	64 8 0
860	870	65 4 0
870	880	66 0 0
880	890	66 12 0
890	900	67 8 0
900	910	68 4 0
910	920	69 0 0
920	930	69 12 0
930	940	70 8 0
940	950	71 4 0
950	960	72 0 0
960	970	72 12 0
970	980	73 8 0
980	960	74 4 0
990	1,000	75 0 0
1,000	1,100	80 0 0
1,100	1,200	85 0 0
1,200	1,300	90 0 0
1,300	1,400	95 0 0
1,400	1,500	100 0 0
1,500	1,600	105 0 0
1,600	1,700	110 0 0
1,700	1,800	115 0 0
1,800	1,900	120 0 0
1,900	2,000	125 0 0
2,000	2,100	130 0 0
2,100	2,200	135 0 0
2,200	2,300	140 0 0
2,300	2,400	145 0 0
2,400	2,500	150 0 0
2,500	2,600	155 0 0
2,600	2,700	160 0 0
2,700	2,800	165 0 0
2,800	2,900	170 0 0
2,900	3,000	175 0 0
3,000	3,100	180 0 0
3,100	3,200	185 0 0
3,200	3,300	190 0 0
3,300	3,400	195 0 0
3,400	3,500	200 0 0
3,500	3,600	205 0 0
3,600	3,700	210 0 0

Table of rates of ad valorem fees, &c.,—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. As. P.
3,700	3,800	215 0 0
3,800	3,900	220 0 0
3,900	4,000	225 0 0
4,000	4,100	230 0 0
4,100	4,200	235 0 0
4,200	4,300	240 0 0
4,300	4,400	245 0 0
4,400	4,500	250 0 0
4,500	4,600	255 0 0
4,600	4,700	260 0 0
4,700	4,800	265 0 0
4,800	4,900	270 0 0
4,900	5,000	275 0 0
5,000	5,250	285 0 0
5,250	5,500	295 0 0
5,500	5,750	305 0 0
5,750	6,000	315 0 0
6,000	6,250	325 0 0
6,250	6,500	335 0 0
6,500	6,750	345 0 0
6,750	7,000	355 0 0
7,000	7,250	365 0 0
7,250	7,500	375 0 0
7,500	7,750	385 0 0
7,750	8,000	395 0 0
8,000	8,250	405 0 0
8,250	8,500	415 0 0
8,500	8,750	425 0 0
8,750	9,000	435 0 0
9,000	9,250	445 0 0
9,250	9,500	455 0 0
9,500	9,750	465 0 0
9,750	10,000	475 0 0
10,000	10,500	490 0 0
10,500	11,000	505 0 0
11,000	11,500	520 0 0
11,500	12,000	535 0 0
12,000	12,500	550 0 0
12,500	13,000	565 0 0
13,000	13,500	580 0 0
13,500	14,000	595 0 0
14,000	14,500	610 0 0
14,500	15,000	625 0 0
15,000	15,500	640 0 0
15,500	16,000	655 0 0
16,000	16,500	670 0 0

Table of rates of ad valorem fees, &c.,—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. As. P.
16,500	17,000	685 0 0
17,000	17,500	700 0 0
17,500	18,000	715 0 0
18,000	18,500	730 0 0
18,500	19,000	745 0 0
19,000	19,500	760 0 0
19,500	20,000	775 0 0
20,000	21,000	795 0 0
21,000	22,000	815 0 0
22,000	23,000	835 0 0
23,000	24,000	855 0 0
24,000	25,000	875 0 0
25,000	26,000	895 0 0
26,000	27,000	915 0 0
27,000	28,000	935 0 0
28,000	29,000	955 0 0
29,000	30,000	975 0 0
30,000	32,000	995 0 0
32,000	34,000	1,015 0 0
34,000	36,000	1,035 0 0
36,000	38,000	1,055 0 0
38,000	40,000	1,075 0 0
40,000	42,000	1,095 0 0
42,000	44,000	1,115 0 0
44,000	46,000	1,135 0 0
46,000	48,000	1,155 0 0
48,000	50,000	1,175 0 0
50,000	55,000	1,200 0 0
55,000	60,000	1,225 0 0
60,000	65,000	1,250 0 0
65,000	70,000	1,275 0 0
70,000	75,000	1,300 0 0
75,000	80,000	1,325 0 0
80,000	85,000	1,350 0 0
85,000	90,000	1,375 0 0
90,000	1,00,000	1,400 0 0
95,000	1,05,000	1,425 0 0
1,00,000	1,10,000	1,450 0 0
1,05,000	1,15,000	1,475 0 0
1,10,000	1,20,000	1,500 0 0
1,15,000	1,25,000	1,525 0 0
1,20,000	1,30,000	1,550 0 0
1,25,000	1,35,000	1,575 0 5
1,30,000	1,40,000	1,600 0 0
1,35,000	1,45,000	1,625 0 0
1,40,000	1,50,000	1,650 0 0

Table of rates of ad valorem fees, &c.,—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
1,45,000	1,50,000	1,675 0 0
1,50 000	1,55,000	1,700 0 0
1,55,000	1,60,000	1,725 0 0
1,60,000	1,65,000	1,750 0 0
1,65,000	1,70 000	1,775 0 0
1,70,000	1,75,000	1,800 0 0
1,75,000	1,80,000	1,825 0 0
1,80,000	1,85,000	1,850 0 0
1,85,000	1,90,000	1,875 0 0
1,90,000	1,95,000	1,900 0 0
1,95,000	2,00,000	1,925 0 0
2,00,000	2,05,000	1,950 0 0
2,05,000	2,10,000	1,975 0 0
2,10,000	2,15,000	2,000 0 0
2,15,000	2,20,000	2,025 0 0
2,20,000	2,25,000	2,050 0 0
2,25,000	2,30,000	2,075 0 0
2,30,000	2,35,000	2,100 0 0
2,35,000	2,40,000	2,125 0 0
2,40,000	2,45,000	2,150 0 0
2,45,000	2,50,000	2,175 0 0
2,50,000	2,55,000	2,200 0 0
2,55,000	2,60,000	2,225 0 0
2,60,000	2,65,000	2,250 0 0
2,65,000	2,70,000	2,275 0 0
2,70,000	2,75,000	2,300 0 0
2,75,000	2,80,000	2,325 0 0
2,80,000	2,85,000	2,350 0 0
2,85,000	2,90,000	2,375 0 0
2,90,000	2,95,000	2,400 0 0
2,95,000	3,00,000	2,425 0 0
3,00,000	3,05,000	2,450 0 0
3,05,000	3,10,000	2,475 0 0
3,10,000	3,15,000	2,500 0 0
3,15,000	3,20,000	2,525 0 0
3,20,000	3,25,000	2,550 0 0
3,25,000	3,30,000	2,575 0 0
3,30,000	3,35,000	2,600 0 0
3,35,000	3,40,000	2,625 0 0
3,40,000	3,45,000	2,650 0 0
3,45,000	3,50,000	2,675 0 0
3,50,000	3,55,000	2,700 0 0
3,55,000	3,60,000	2,725 0 0
3,60,000	3,65,000	2,750 0 0
3,65,000	3,70,000	2,775 0 0
3,70,000	3,75,000	2,800 0 0

Table of rates of ad valorem fees, &c.,—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
3,75,000	3,80,000	2,825	0	0
3,80,000	3,85,000	2,850	0	0
3,85,000	3,90,000	2,875	0	0
3,90,000	3,95,000.	2,900	0	0
3,95,000	4,00,000	2,925	0	0
4,00,000	4,05,000	2,950	0	0
4,05,000	4,10,000	2,975	0	0
4,10,000	.....	3,000	0	0

SCHEDULE II.

Fixed Fees.

NUMBER.		PROPER FEE.
Application or petition ...	(*a*).—When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings ; or when presented to any officer of Land Revenue by any person holding temporarily-settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement; or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement; or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Cantonment Magistrate sitting as a Court of Civil Judicature under Act No. III of 1859, or to any Court of Small Causes constituted under Act No. XI of 1865, or under Act No. XVI of 1868, section twenty, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees; or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or trans-	One anna.

SCHEDULE II.—*continued.*

Fixed Fees.

Number.		Proper Fee.
Application or petition—(*continued*).	lation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.	One anna.
	(*b*).—When containing a complaint or charge of any offence other than an offence for which Police officers may, under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court; or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any revenue officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act; or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	Eight annas.
	(*c*).—When presented to a Chief Commissioner or other chief controlling revenue or executive authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a Division and not otherwise provided for by this Act.	One rupee.
	(*d*).—When presented to a High Court ...	Two rupees.
2. Application for leave to sue as a pauper ...	... ...	Eight annas.
3. Application for leave to appeal as a pauper ...	(*a*).—When presented to a District Court ...	One rupee.

SCHEDULE II,—*continued.*

Fixed Fees.

NUMBER.		PROPER FEE.
1. Application or petition—*(continued)* ...	(*b*).—When presented to a Commissioner or a High Court ...	Two rupees.
4. Plaint or memorandum of appeal in a suit to obtain possession under Act No. XVI of 1838, or Bombay Act No. V of 1864 (to give Mamlutdars' Courts jurisdiction in certain cases to maintain existing possession, or to restore possession to any party dispossessed otherwise than by course of law) ...		
5. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy ...	... ...	Eight annas.
6. Bail-bond or other instrument of obligation not otherwise provided for by this Act when given by the direction of any Court or executive authority ...		
7. Undertaking under section forty-nine of the Indian Divorce Act ...		
8. Petition of objection to assessment under the Indian Income Tax Act ...		
9. Petition of appeal under the Indian Income Tax Act, section twenty-one ...	... ...	One rupee.
10. Mukhtarnama or Wakalatnama.	When presented for the conduct of any one case—	
	(*a*).—To any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (*b*) and (*c*) of this number ...	Eight annas.
	(*b*).—to a Commissioner of Revenue Circuit or Customs, or to any officer charged with the executive administration of a Division, not being the chief revenue or executive authority	One rupee.

SCHEDULE II,—*continued.*

Fixed Fees.

Number.		Proper Fee.
	(*c*).—to a High Court, Chief Commissioner, Board of Revenue, or other chief controlling revenue or executive authority ...	Two rupees.
11. Memorandum of appeal when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree, and is presented—		
	(*a*).—to any Civil Court other than a High Court, or to any Revenue Court or executive officer other than the High Court or chief controlling revenue or executive authority ...	Eight annas.
	(*b*).—to a High Cou.t or Chief Commissioner, or other chief controlling executive or revenue authority.	Two rupees.
12. Caveat.		
13. Application under Act No. X of 1859, section twenty-six, or Bengal Act No. VI of 1862, section nine, or Bengal Act No. VIII of 1869, section thirty-seven ...	... ...	Five rupees.
14. Petition in a suit under the native Converts' Marriage Dissolution Act, 1866 ...		
15. Plaint or memorandum of appeal in a suit to obtain possession of a wife. ...		
16. Administration-bond. ...	... ...	Eight rupee.
17. Plaint or memorandum of appeal in each of the following suits:—		
i. To alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court:	... ...	Ten rupees.
ii. To alter or cancel any entry in a register of the name of proprietors of revenue-paying estates:		

SCHEDULE II,—*continued.*

Fixed Fees.

NUMBER.		PROPER FEE.
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20. Every petition under the Indian Divorce Act except petitions under section forty-four of the same Act, and every memorandum of appeal under section fifty-five of the same Act. 21. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865.	... ...	Twenty rupees.

SCHEDULE III.

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ACT VIII of 1870.

(Received the assent of the Governor General on the 18th March 1870.)

AN ACT FOR THE PREVENTION OF THE MURDER OF FEMALE INFANTS.

1. Power to take measures under Act in particular districts.
2. Power to make rules.
3. Confirmation and publication of rules.
4. Punishment for breach of rules.
5. Saving of prosecutions under other laws.
6. Power to place neglected children under supervision.
7. Extent of Act.

Preamble.

WHEREAS the murder of female infants is believed to be commonly committed in certain parts of British India; and whereas it is necessary to make better provision for the prevention of the said offence; It is hereby enacted as follows:—

Power to take measures under Act in particular districts.

I. If it shall appear to the Local Government that the said offence is commonly committed in any district, or by any class, or family, or persons residing therein, the Local Government may, with the previous sanction of the Governor General of India in Council, declare, by notification published in the official Gazette, and in such other manner as the Local Government shall direct, that measures for the prevention of such offence shall be taken under this Act, in such district, or in respect of such class, or family, or persons.

The notification shall define the limits of such district, or shall specify the class, or family, or persons to whom such notification is to be deemed to apply.

Power to make rules.

II. When such notification shall have been published as aforesaid, it shall be lawful for the Local Government, subject to the provisions of section three, from time to time, to make rules consistent with this Act, for all or any of the following purposes:—

(1.)—For making and maintaining registers of births, marriages, and deaths occurring in such district, or in or among the class, family, or persons to whom such notification has been made applicable; and for making, from time to time, a census of such persons, or of any other persons residing within such district:

(2.)—For the entertainment of any police force in excess of the ordinary fixed establishment of police, or for the entertainment of any officers or servants, for the purpose of preventing or detecting the murder of female infants in such district, or in or among such class, family, or persons, or for carrying out any of the provisions of this Act:

(3.)—For prescribing how and by whom information shall be given to the proper officers of all births, marriages, and deaths occurring or about to occur in such district, or in or among such class, family or persons:

(4.)—For the regulation and limitation of expenses incurred by any person to whom such notification applies on account of the celebration of marriage or of any ceremony or custom connected therewith:

(5.)—For regulating the manner in which all or any of the expenses incurred in carrying into effect rules made under this section shall be recovered from all or any of the inhabitants of such district, or from the persons to whom such notification is applicable:

(6.)—For defining the duties of any officer or servant appointed to carry out any rule made under this section.

Confirmation and publication of rules.

III. No rules or alteration made under section two shall take effect until it shall have been confirmed by the Governor General of India in Council and published in the *Gazette of India* and also in the local Gazette.

Copies of every such rule shall be affixed in such places, and shall be distributed in such manner, as the Local Government may direct.

Punishment for breach of rules.

IV. Whoever disobeys any such rule shall, on conviction before any officer exercising the powers of a Magistrate, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

Saving of prosecutions under other laws.

V. Nothing in this Act, or in any rule made and published as aforesaid, shall prevent any person from being prosecuted and punished under any other law for any offence punishable under this Act: Provided that no person shall be punished twice for the same offence.

Power to place neglected children under supervision.

VI. If it appears to the Magistrate of the District that any person to whom the notification mentioned in section one applies, neglects to make proper provision for the maintenance of any female child for whose maintenance he is legally responsible, and that the life or health of such child is thereby endangered, such Magistrate may, in his discretion, place the child under such supervision as he may think proper, and shall, if necessary, remove the child from the custody of such person.

The Magistrate of the District may order him to make a monthly allowance for the maintenance of the child at such monthly rate not exceeding fifty rupees as to such Magistrate shall seem reasonable, and if such person wilfully neglects to comply with such order, such Magistrate may, for every breach of the order, by warrant direct the amount due to be levied in manner provided by section sixty-one of the Code of Criminal Procedure.

Nothing in this section shall affect the powers of Magistrates under section three hundred and sixteen of the same Code.

Extent of Act.

VII. This Act shall, in the first instance, extend only to the North-Western Provinces, to the Panjáb, and to Oudh; but the Governor General of India in Council may by order extend it to any part of the territories (other than Oudh) under the immediate administration of the Government of India; and the Governor of Madras in Council, the Governor of Bombay in Council, and the Lieutenant Governor of Bengal, may severally by order extend it to any part of the territories under their respective governments.

Every order under this section made by the Governor General of India in Council shall be published in the *Gazette of India*. Every other order made under this section shall be published in the local official Gazette.

ACT X OF 1870.

(*Received the assent of the Governor General on the 1st April* 1870.

THE LAND-ACQUISITION ACT, 1870.

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ACT X OF 1870.

AN ACT FOR THE ACQUISITION OF LAND FOR PUBLIC PURPOSES AND FOR COMPANIES.

Preamble.

WHEREAS it is expedient to consolidate and amend the law for the acquisition of land needed for public purposes and for Companies, and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.
Local extent.
Commencement.

I. This Act may be called "The Land Acquisition Act, 1870:"
It extends to the whole of British India;
And it shall come into force on the first day of June 1870.

Repeal of Acts.

II. On and from such day Act No. VI of 1857 *(for the acquisition of land for public purposes)* Act No. II of 1861 *(to amend Act No. VI of* 1857), and Act No. XXII. of 1863 *(to provide for taking land for works of public utility to be constructed by private persons or Companies and for regulating the construction and use of works on land so taken, shall be repealed.*

All references made to any of the said Acts in subsequent Acts, orders or contracts shall be read as if made to this Act.

Interpretation clause.

III. In this Act—

"Land."

The expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

"Person interested."

The expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act.

"Collector."

The expression "Collector" means the Collector of a District, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act:

"Court."

The expression "Court" means, in the Regulation Provinces, British Burma and Sindh, a principal Civil Court of original jurisdiction, and in the Non-regulation Provinces other than British Burma and Sindh, the Court of a Commissioner of a Division, unless when the Local Government has appointed (as it is hereby empowered to do), either specially for any case, or generally within any specified local limits, a judicial officer to perform the functions of a Judge under this Act, and then the expression "Court" means the Court of such officer:

The expression "Company" means a Company registered under the Indian Companies' Act, 1866, or formed in pursuance of an Act of Parliament, or by Royal Charter or Letters Patent ; "Company."

And the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability : a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age ; and the guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted. "Entitledt.

PART II.

ACQUISITION.

Preliminary Investigation.

IV. Whenever it appears to the Local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in the local Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality. Power to enter and survey.

Thereupon it shall be lawful for any officer either generally or specially authorized by such Government in this behalf, and for his servants and workmen, to enter upon and survey and take levels of any land in such locality : to dig or bore into the sub-soil : to do all other acts necessary to ascertain whether the land is adapted for such purpose : to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon ; to mark such levels, boundaries and line by placing marks and cutting trenches : and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle. Power to mark out line. Power to clear land.

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so. Previous notice of entry.

V. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector, and such decision shall be final. Payment for damage.

Declaration of intended Acquisition.

VI. Subject to the provisions of Part VII of this Act whenever it appears to the Local Government that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders : Declaration that land is required for a public purpose.

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid out of public revenues, or out of some Municipal Fund, or by a Company.

The declaration shall be published in the local official Gazette and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected. Contents of declaration.

Declaration to be evidence.

The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

After declaration, Collector to take order for acquisition.

VII. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

Land to be marked out and measured.

Plan.

VIII. The Collector shall thereupon cause the land (unless it has been already marked out under section four) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

Notice to persons interested.

IX. The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

Contents of notice.

Such notice shall state the particulars of the land so needed and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests.

Notice to occupiers.

The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the Revenue District in which the land is situate.

In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post.

Power to require statements as to names and interests.

X. The Collector may also require any such person to deliver to him a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Persons required to make statments to be deemed legally bound to do so.

Every person required to make or deliver a statement under this section or section nine, shall be deemed to be legally bound to do so within the meaning of sections one hundred and seventy-five and one hundred and seventy-six of the Indian Penal Code.

Enquiry into value and claims.

Enquiry into value and amount of compensation.

Tender.

XI. On the day so fixed, the Collector shall proceed to enquire summarily into the value of the land and to determine the amount of compensation which in his opinion should be allowed therefor, and shall tender such amount to the persons interested who have attended in pursuance of the notice.

Power to summon witnesses.

For the purpose of such enquiry, the Collector shall have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and (as far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

Postponement of enquiry.

XII. The Collector may, if no claimant attends pursuant to the notice, or if for any other cause he thinks fit, from time to time postpone the enquiry to a day to be fixed by him.

XIII. In determining the amount of compensation the Collector shall take into consideration the matters mentioned in section twenty four and shall not take into consideration any of the matters mentioned in section twenty-five. Matters to be considered and matters to be neglected.

Award by Collector.

XIV. If the Collector and persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award under his hand for the same. Award in case of agreement as to compensation.

Such award shall be filed in the Collector's office and shall be conclusive evidence, as between the Collector and the persons interested of the value of the land and the amount of compensation allowed for the same. Award to be filed and to be evidence.

XV. When the Collector proceeds to make the enquiry as aforesaid, whether on the day originally fixed for the enquiry or on the day to which it may have been postponed, if no claimant attends, or if the Collector considers that further enquiry as to the nature of the claim ought to be made by the Court, or if any person whom the Collector has reason to think interested does not attend, or if the Collector is unable to agree with the persons interested who have attended in pursuance of the notice as to the amount of compensation to be allowed or if upon the said enquiry any question respecting title to the land or any rights thereto or interests therein arise between or among two or more persons making conflicting claims in respect thereof, the Collector shall refer the matter to the determination of the Court in manner hereinafter appearing. Reference where no claimant attends, or if Collector and persons interested cannot agree.

Taking Possession.

XVI. When the Collector has made an award under section fourteen or a reference to the Court under section fifteen, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances. Power to take possession.

XVII. In cases of urgency, whenever the Local Government so directs the Collector (though no such reference has been directed or award made) may, on the expiration of fifteen days from the publication of the notice mentioned in the first paragraph of section nine, take possession of any waste or arable land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government free from all encumbrances. Power to take possession in case of urgency.

The Collector shall offer to the persons interested compensation for the standing crops and trees (if any) on such land; and in case such offer is not accepted, the value of such crops and trees shall be allowed for in awarding compensation for the land under the provisions herein contained.

PART III.

Reference to Court and Procedure thereon.

XVIII. In making a reference under section fifteen, the Collector shall state for the information of the Court, in writing under his hand, (*a*) the situation and extent of the land needed, (*b*) the names of the persons whom he has reason to think interested in such land, (*c*) the amount awarded for damages and paid or tendered under sections five and seventeen, or either of them, the amount of compensation tendered for the land under section eleven, or, if no claimant has attended pursuant to the notice mentioned in section nine, the amount of compensation which the Collector is willing to give to the persons interested and (*d*) the grounds on which the amount of compensation was determined. Collector's statement on reference to Court.

XIX. The Court shall thereupon cause to be served on each of the persons so named a notice requiring him (if he has not made a claim under section nine) to state to the Court, on or before a day to be therein mentioned, the sum which he claims as compensation for his interest in the land so needed. Service of notice.

The Court shall also cause a notice to be served on the Collector and each of such persons requiring them to appoint, on or before a day to be therein mentioned, two qualified assessors (one to be nominated by the Collector and the other by the persons interested) for the purpose of aiding the Judge in determining the amount of the compensation.

If no claimant has attended pursuant to the notice mentioned in section nine, the Court shall cause to be affixed on some conspicuous place on or near the land needed a notice to the effect that, if the persons interested in such land do not, on or before a day to be therein mentioned, appear in Court and state the nature of their respective interests in the land and the amount and particulars of their claims to compensation, and nominate a qualified assessor, the Court will proceed to determine such amount.

Power to appoint an assessor.

XX. In case of failure to nominate either of such assessors within the the time so specified, the Judge shall himself appoint an assessor in his stead.

Determination of amount.

XXI. As soon as the assessors have been appointed the Judge and the assessors shall proceed to determine the amount of the compensation.

Appointment of new assessor.

XXII. If before such amount is determined, any of the assessors dies or desires to be discharged, or refuses or neglects, or becomes incapable to act, the party by whom he was appointed may appoint some other qualified son to act in his place.

If the assessor so dying, or desiring to be discharged, or refusing, or neglecting or becoming incapable were appointed by the Judge, or, in the case of an assessor appointed by either party, if for the space of seven days after notice from the Court, for that purpose the party who appointed such assessor fails to appoint another, the Judge shall appoint some other qualified person in his stead.

Powers of new assessor.

Every assessor so substituted shall have the same powers as were vested in the former assessor at the time of his so dying or desiring to be discharged, or refusing or neglecting or becoming incapable.

Proceedings to be in open Court.

XXIII. Every proceeding under section twenty-one shall take place in open Court, and all persons entitled to practice in any Civil Court shall be entitled to appear, plead and act, or to appear and act (as the case may be), in such proceeding.

Matters to be considered in determining compensation.

XXIV. In determining the amount of compensation to be awarded for land acquired under this Act; the Judge and assessors shall take into consideration—*first*, the market-value, at the time of awarding compensation, of such land: *secondly*, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of severing such land from his other land: *thirdly*, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings: and *fourthly*, if, in consequence of the acquisition, he is compelled to change his residence, the reasonable expenses (if any) incidental to such change.

Matters to be neglected in determining compensation.

XXV. But the Judge or assessors shall not take into consideration—*first*, the degree of urgency which has led to the acquisition: *secondly* any disinclination of the person interested to part with the land acquired: *thirdly*, any damage sustained by him which, if caused by a private person would not render such person liable to a suit: *fourthly*, any damage which, after the time of awarding compensation, is likely to be caused by or in consequence of the use to which the land acquired will be put: *fifthly*, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired: *sixthly*, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put: or *seventhly*, any outlay or improvements on such land made, commenced or effected with the intention of enhancing the compensation to be awarded therefor under this Act.

Rules as to amount of compensation.

XXVI. Where the person interested has made a claim to compensation, pursuant to any notice mentioned in section nine or in section nineteen, the amount awarded to him shall not exceed the amount so claimed, or be less than the amount tendered by the Collector under section eleven.

Where the person interested has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded may be less than, and shall in no case exceed, the amount so tendered.

Where the person interested has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him shall not be less than, and may exceed, the amount so tendered.

The provisions of this and the two preceding sections shall be read to every assessor, in a language which he understands, before he gives his opinion as to the amount of compensation to be awarded under this Act.

Record of assessors' opinions.

XXVII. The opinion of each assessor shall be given orally and shall be recorded in writing by the Judge.

Difference on questions of law.

XXVIII. In case of a difference of opinion between the Judge and the assessors or any of them upon a question of law or practice or usage having the force of law, the opinion of the Judge shall prevail, and there shall be no appeal therefrom.

Agreement as to amount of compensation.

XXIX. In case the Judge and one or both of the assessors agree as to the amount of compensation, their decision thereon shall be final.

Difference as to the amount of compensation.

XXX. In case of difference of opinion between the Judge and both of the assessors as to the amount of compensation, the decision of the Judge shall prevail, subject to the appeal allowed under section thirty-five.

Assessors' fees.

XXXI. Every assessor appointed under this Act, not being an officer of Government, shall receive such fee for his services as the Judge shall direct, provided that such fee shall not exceed five hundred rupees. Such fee shall be deemed to be costs in the proceeding.

Costs of proceedings taken by order of Court.

XXXII. The costs of all proceedings taken under this part by order of the Court shall, in the first instance, be paid by the Collector.

Party to pay costs.

XXXIII. Where the amount awarded does not exceed the sum tendered by Collector, the costs of all proceedings under this Part shall be paid by the person interested.

Where the amount awarded exceeds the sum so tendered, such costs shall be paid by the Collector.

Awards to be in writing.

XXXIV. Every award made under this Part shall be in writing signed by the Judge and the assessors or assessors concurring therein, and shall specify the amount awarded under the first clause of section twenty-four, and also the amounts (if any) respectively awarded under the second, third and fourth clauses of the same section, together with the grounds of awarding each of the said amounts. It shall also state the amount of costs incurred in the proceedings under this Part and by what persons and in what proportions they are to be paid.

Award to state amount of costs.

Recovery of costs

The costs (if any) payable by the person interested and not deducted under section forty-two may be recovered as if they were costs incurred in a suit, and as if the award were the decree therein.

Appeal from Judge's decision as to compensation.

XXXV. If the Judge differs from both the assessors as to the amount of compensation, he shall pronounce his decision and the Collector or the person interested (as the case may be) may appeal therefrom to the Court of the District Judge, unless the Judge whose decision is appealed from is the District Judge, or unless the amount which the Judge proposes to award exceeds five thousand rupees, in either of which cases the appeal shall lie to the High Court.

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

d of ions o f Co e m Civil Procedure ade applicable.

XXXVI. The following provisions of the Code of Civil Procedure (*a*) as to adding parties, (*b*) as to adjournment, (*c*) as to death, Marriage and bankruptcy or insolvency of parties, (*d*) as to summoning witnesses and their attendance, (*e*) as to examination of parties and witnesses, (*f*) as to production of documents, and (*g*) as to commissions to examine absent witnesses and to make local enquiries, shall apply, so far as may be, to proceedings before the Court.

PART IV.

Apportionment of Compensation.

Particul rs of apportionment to be specified.

XXXVII. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

XXXVIII. When the amount of compensation has been settled under section fourteen, if any dispute arises as to the apportionment of the same or any part thereof, the Collector shall refer such dispute to the decision of the Court.

Determination of proportions.

XXXIX. When the amount of compensation has been settled by the Court, and there is any dispute as to the apportionment thereof, or when a reference to the Court has been made under section thirty-eight, the Judge sitting alone shall decide the proportions in which the persons interested are entitled to share in such amount.

An appeal shall lie from such decision to the High Court, unless the Judge whose decision is appealed from is not the District Judge, in which case the appeal shall lie in the first instance to the District Judge.

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

PART V.

Payment.

Payment of compensation to whom to le made.

XL. Payment of the compensation shall be made by the Collector according to the award to the persons named therein, or, in the case of an appeal under section thirty-nine according to the decision on such appeal; Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

Proviso.

Payment on making award by Collector.

XLI. When the amount of the compensation has been settled under section fourteen, if the persons interested shall so desire, the Collector shall, on the making of the said award, pay the amount of such compensation and take possession of the land: Provided that, in any case where immediate possession is not required, he may allow the occupants (if any) of the land to remain in occupation of the same, upon such terms as he and they may agree on, until possession of the land is required.

Percentage on market-value.

XLII. In addition to the amount of any compensation awarded under Part II or Part III of this Act, the Collector shall, in consideration of the compulsory nature of the acquisition, pay fifteen per centum on the market-value mentioned in section twenty-four.

Payment with interest.

When the amount of such compensation is not paid on taking possession, the Collector shall pay the amount awarded and the said percentage with interest on such amount and percentage at the rate of six per centum per annum from the time of so taking possession: Provided that the costs, if any, payable to the Collector by the person interested, shall be deducted from such amount and percentage.

Provided that, in cases where the decision of the Court under Part III or Part IV of this Act is liable to appeal, the Collector shall not pay the amount of compensation or the percentage, or any part thereof, until the time for appealing against such decision has expired and no appeal shall have been presented against such decision, or until any such appeal shall have been disposed of. Time of payment in appeal able cases.

PART VI.

Temporary Occupation of Land.

XLIII. Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation. Temporary occupation of waste or arable land.

The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

In case the Collector and the persons interested differ as to the sufficiency of the compensation, the Collector shall refer such difference for the final order of the Court. Difference as to compensation.

XLIV. On payment of such compensation, or on executing such agreement, or on making a reference under section forty-three, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice, and on the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein: Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company. Power to enter and take possession. Restoration of land taken.

XLV. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference for the final order of the Court, and on such reference, or on a reference under section forty-three, the Judge sitting alone shall decide the difference referred. Difference as to condition of land.

PART VII.

Acquisition of Land for Companies.

XLVI. Subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section four. Company may be authorized to enter and survey.

In every such case section four shall be construed as if, for the words "for such purpose," the words "for the purposes of the Company" were substituted, and section five shall be construed as if, after the words "the officer," the words "of the Company" were inserted. Construction of sections four and five.

XLVII. The provisions of section six to section forty-five (both inclusive) shall not be put in force in order to acquire land for any Company, Consent of Local Government to acquisition.

Execution of agreement.

unless with the previous consent of the Local Government, and unless the Company shall have executed the agreement hereinafter mentioned.

Pregavious enquiry.

XLVIII. Such consent shall not be given unless the Local Government be satisfied, by an enquiry held as hereinafter provided, (1) that such acquisition is needed for the construction of some work, and (2) that such work is likely to prove useful to the public. Such enquiry shall be held by such officer and at such time and place as the Local Government shall appoint. Such officer may summon and enforce the attendance of witnesses, and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court.

Agreement with Secretary of State in Council.

XLIX. Such officer shall report to the Local Government the result of the enquiry, and if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council providing to the satisfaction of the Local Government for the following matters, namely :—(1) the payment to Government of the cost of the acquisition, (2) the tranfer, on such payment, of the land to the Company, (3) the terms on which the land shall be held by the Company, (4) the time within which and the conditions on which, the work shall be executed and maintained, and (5) the terms on which the public shall be entitled to use the work.

Publication of agreement.

L. Every such agreement shall, as soon as may be after its execution, be published in the *Gazette of India* and also in the local official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

PART VIII.

Miscellaneous.

Service of notice.

LI. Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section four, by the officer therein mentioned, and in the case of any other notice by or by order of the Collector or the Judge.

Whenever it may be practicable, the service of the notice shall be made on the person therein named.

When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business.

Obstruction to survey &c.

Filling trenches.

Destroying landmarks.

LII. Whoever wilfully obstructs any person in doing any of the acts authorized by section four or section eight, or wilfully fills up, destroys, damages, or displaces any trench or mark made under section four, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Magistrate to enforce surrender.

LIII. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

Government not bound to complete acquisition.

LIV. Except in the case provided for in section forty-four, nothing in this Act shall be taken to compel the Government to complete the acquisition of any land unless an award shall have been made or a reference

directed under the provisions hereinbefore contained. But whenever the Government declines to complete any such acquisition, the Collector shall determine the amount of compensation due for the damage (if any) done to such land under section four or section eight, and not already paid for under section five, and shall pay such amount to the person injured. Compensation when acquisition is not completed.

LV. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired. Part of house or building not to be taken.

LVI. Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any Municipal Fund, or of any Company, the charges incurred by the Collector in such acquisition shall be defrayed from or by such Fund or Company. Payment of Collector's charges by Municipal Body or Company.

LVII. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same. Exemption from stamp-duty and fees.

LVIII. No suit shall be brought to set aside an award under this Act. And no suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding and of the cause thereof, nor after tender of sufficient amends * * * †. Bar of suits to set aside awards under Act. Limitation of suit for any thing done in pursuance of Act.

LIX. The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected so with its enforcement, and may from time to time alter and add to the rules made. Power to make rules.

All such rules, alterations and additions shall, when sanctioned by the Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law. Publication of rules.

† The words omitted from this section have been repealed by Act IX of 1871.

ACT XI OF 1870.

SUPERSED BY ACT XXXI OF 1871.

ACT XII OF 1870.

(Received the assent of the Governor General on the 1st April 1870.)

THE NATIVE PASSENGER SHIPS ACT, 1870.

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Preamble.

AN ACT FOR THE REGULATION OF NATIVE PASSENGER SHIPS, AND OF STEAM VESSELS INTENDED TO CONVEY PASSENGERS ON COASTING VOYAGES.

WHEREAS abuses have occurred in the overcrowding of Ships conveying Native Passengers between Ports and places in India, and Ports and places in the Red Sea or Persian Gulf; and whereas similar abuses have also occurred in the case of Ships commanded or owned by subjects of Her Majesty and conveying Native Passengers between other Ports and places situate east of the Cape of Good Hope, and Ports and places in the Red Sea or Persian Gulf; and whereas it is expedient to prevent such abuses, and to provide for the regulation of all such Ships as aforesaid which shall depart from or arrive at any of the said Ports or places in India, and also for the regulation of Steam Vessels intended to carry passengers on coasting voyages; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

I. This Act may be called "The Native Passenger Ships Act, 1870."

Extent of Act.

II. This Act extends to all subjects of Her Majesty whether within British India or within the dominions of Princes and States in India in alliance with Her Majesty, and to all persons being Native Indian subjects of Her Majesty without and beyond British India.

Nothing in this Act applies to any Ship-of-war or Transport belonging to or in the service of Her Majesty or to any Ship-of-war belonging to any Foreign Prince or State, or to any ship under contract with the Government of any European State, or to any sea-going Steam Vessel employed in the conveyance of the public mails under a contract. Act not to apply to Ships-of-war, &c., or to sea-going Steam Vessels conveying public mails.

III. Act No. XXI of 1858 (*for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages*) is hereby repealed; and section one of Act No. II 1860 (*to amend the law relating to the carriage of Passengers by sea*) shall be read as if, for the words and figures "Act XXI of 1858," the words and figures "The Native Passenger Ships Act, 1870," were substituted. Repeal of Act. Amendment of Act No. II of 1860, section 1.

IV. In this Act— Interpretation clause.

The word "Magistrate" means a person exercising powers not inferior to those of a Subordinate Magistrate of the first class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistants: "Magistrate."

The words "Local Government" mean the person or persons for the time being immediately administering the Executive Government of the territories where the Port or place in question is situate: "Local Government."

The word "Master" includes every person having command or charge of a Vessel: "Master."

The words "Native Passenger Ship" mean a vessel carrying more than thirty passengers being natives of Asia or Africa, which may depart or proceed on any voyage from a Port or place in British India or in the said dominions to any Port or place in the Red Sea or Persian Gulf, or which may arrive at any Port or place within British India or the said dominions from any Port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers. "Native Passenger Ship."

CHAPTER II.

Rules as to Native Passenger Ships.

V. No Native Passenger Ship shall depart or proceed upon any voyage to which this Act extends from any Port or place within British India or the said dominions other than such Ports and places as the Local Government may from time to time appoint; and after any Native Passenger Ship has departed or proceeded upon any such voyage from a Port or place so to be appointed, no person shall be received on board as a passenger, except at some other duly appointed Port or place. Native Passenger Ships to sail only from Ports appointed by Government.

VI. No Native Passenger Ship shall depart or proceed upon any such voyage from any Port or place appointed under this Act, until the Master shall have obtained a certificate from an officer authorized to grant the same. Not to sail without obtaining a certificate.

VII. If any Native Passenger Ship departs or proceeds upon a voyage from any Port or place within British India or the said dominions, or if any person is received as a passenger on board a Native Passenger Ship in contravention of the provisions of section five or section six, the Owner or Master shall, for every passenger conveyed on a Ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both; and the ship, if found within two years in any place within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act have been adjudicated, and the payment of the fines imposed under this Act, with all costs, has been enforced under the provisions of section thirty-five. Penalty.

VIII. Within British India, the Local Government shall appoint such persons as it may deem proper to exercise or perform the powers and duties conferred and imposed by this Act. Appointment of officers.

Master to give notice of day of sailing, &c.

IX. The Master of any Native Passenger Ship sailing from any Port or place appointed under this Act, shall give notice to the proper officer that the Ship is to carry Native Passengers, and of her destination, and of the proposed day of sailing; such notice shall be given not less than three days before the proposed day of sailing.

Power to enter and inspect Ship.

X. After receiving such notice, the officer aforesaid or any person authorized by him, shall be at liberty at all times to enter and inspect the Ship and the fittings, provisions, and stores therein; and any person impeding or refusing to allow such inspection shall be liable, on conviction, to a fine, not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

Ship may be surveyed.

XI. The officer aforesaid may if he think fit, cause the Ship to be surveyed at the expense of the Master by a competent surveyor, who shall report whether the Ship is, in his opinion, sea-worthy and fit for her intended voyage.

Officer to be satisfied, before giving certificate—

XII. The officer aforesaid shall not give his certificate, unless he shall be satisfied—

That the Ship is sea-worthy.

(1). The the Ship is sea-worthy and properly manned, equipped, fitted and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

That the space between-decks for passengers is sufficient.

(2). That the space appropriated to the passengers in the between-decks contains at the least twelve superficial and seventy-two cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years.

That the space on the upper deck is sufficient:

(3). That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers:

That there is a due supply of provisions.

(4). That provisions, fuel, and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained.

Number of Passengers.

XIII. No such Ship shall carry any greater number of passengers than, together with the Master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the Ship.

List of passengers.

XIV. The Master of any such Ship, before departing or proceeding on any such voyage from any Port or place in British India, shall sign two lists specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the officer aforesaid, who shall thereupon after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the Master one of such lists.

The Master shall note in writing on such last-mentioned list, and on any additional list to be made under this Act, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the Ship at her destination or at any Port at which it may be intended to land passengers and before any are landed, produce the list, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the Port of arrival if it be a Foreign Port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place at which it shall be intended to land the passengers or any of them.

In case of non-compliance with any of the requirements of this section on the part of the Master, or if any false entry be wilfully made by him in any such list, the Master shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

Ship taking additional passengers and touching at intermediate Port.

XV. If, after the Ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a Port or place within British India or the said dominions, appointed under this Act for the embarkation of passengers, or if such Ship, shall upon her voyage, touch or arrive at any such Port, having previously received on board additional passengers at any place beyond British India or the said dominions, the Master shall obtain a fresh certificate from the officer at such Port, and shall make lists of all such additional passengers; and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or list made under this section.

In case the Master fail to obtain any such fresh certificate, or to make any such list of additional passengers, he shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three months, or to both.

Penalty for fraudulent alteration in Ship after certificate obtained.

XVI. If any Master of a Ship, after having obtained a certificate under section six or section fifteen of this Act, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the Ship, its passengers, or other matters to which such certificate relates, he shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Information to be transmitted to Port of embarkation.

XVII. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place within British India at which the Ship shall touch or arrive, shall, with advertence to the requirements of this Act, transmit any particulars which he may deem important respecting the Ship and the passengers conveyed therein, to the officer at the Port from which the Ship commenced her voyage, and also to the officer at any other Port within British India or the said dominions where the passengers or any of them embarked.

Report of Consul, &c., to be admissible in evidence.

XVIII. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars as are referred to in the last preceding section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising Consular authority on behalf of Her Majesty in any Foreign Port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Depositions to be received in evidence when witnesses cannot be produced.

XVIX. Whenever, in the course of any legal proceeding instituted under this Act at any Port or place in British India, the testimony of any witness is required in relation to the subject-matter of such proceeding any deposition that such witness may have previously made in relation to the same subject matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the Port or place whether such proceedings are instituted) or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted: Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer.

It shall not be necesary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificates as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

Length of voyage to be fixed by proclamation.

XX. Within British India, the Local Government may, by any proclamation to be from time to time issued for that purpose and published in the Government Gazette (if any), or in one of the public newspapers, declare what shall be deemed, for the purposes of this Act, the duration of the voyage of any Native Passenger Ship from any Port or place in British India or the said dominions to any other Port or place.

Quantity of provisions and water to be shipped.

XXI. Every Native Passenger Ship, at the time of departure from the Port or place at which passengers shall be embarked under this Act, shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the declared duration of the voyage for every passenger on board, such water being carried in tanks or sweet casks, and a supply of rice, flour, oatmeal, or bread-stuffs to the amount of seven pounds weight to every week of such duration for every such passenger; Provided that, when any such Ship shall be destined to call at a Port or place in the course of her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such Port or place or calling, shall be deemed to be a compliance with this Act.

The provision of this section regarding food shall be deemed to have been complied with in any case where it shall appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

Contract by passengers for supply of their own provisions.

XXII. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

Penalty on Ships bringing excessive number of passengers from certain Foreign Ports of Indian Ports.

XXIII. If any Ship, bringing passengers from any Port or place east of the Cape of Good Hope and not within British India or the said dominions to any Port or place within British India or the said dominions shall have on board a greater number of passengers or persons than in the proportion prescribed by this Act, the Master of such Ship, shall, in addition to any other penalty which he may have incurred under the provisions of this Act, be liable, on conviction, for each person in excess of such proportion, to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

Bond when Ship clears for a port in Red Sea.

XXIV. In the case of every Native Passenger Ship sailing from any Port within British India to any Port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such Ship, shall not grant such clearance unless and until the Owner, Agent or Master of such Ship and two sureties resident in British India shall, by a joint and several bond, have become bound unto the Secretary of State for India in Council in the penal sum of rupees five thousand conditioned to be void if the said Ship touches at Aden on her outward and also on her homeward voyage and does not leave that Port without having obtained from the proper authority a clean bill of health.

Ship sailing to or from a port in Red Sea to touch at Aden.

XXV. Every Ship carrying more than thirty passengers being Natives of Asia or Africa, and sailing from any Port east of the Cape of Good Hope to any Port in the Red Sea, or sailing from any Port in the Red Sea to any Port east of the Cape of Good Hope, shall touch at Aden, and shall not leave that Pot without having obtained from the proper authority a clean bill of health. Every Master of a Ship offending under this section, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Bill of health.

XXVI. No bill of health shall be granted under section twenty-four or section twenty-five in case the Ship has on board a greater number of passengers or persons than in the proportion prescribed by this Act.

CHAPTER III.

COASTING STEAMERS.

Certificates to be furnished to coasting Steam Vessels intending to carry passengers.

XXVII. Steam Vessels intended to carry passengers on coasting voyages from or to any Port or place within British India, shall, before proceeding on such voyages, be furnished with certificates granted in manner hereinafter provided.

Certificates to coasting Steam Vessels how to be granted, &c.

XXVIII. Every such certificate shall be granted at the discretion of an officer authorized by the Local Government to grant the same, and shall remain in force for the period therein specified, unless sooner revoked. The officer so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the Master or Owner, and upon payment of a fee not exceeding twenty rupees), that such Steam Vessel is sea-worthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage. The certificate shall state the limits (if any) within which the Vessel is to ply, and the number of Native Passengers which the Vessel is permitted to carry: such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

Copy of the certificate to be placed in conspicuous part of Ship.

XXIX. The Owner or Master of any such Steam Vessel shall put up in a conspicuous part of the Ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such Owner or Master shall, for each offence, be liable to a fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Penalty for excess of number specified in certificate.

XXX. If such Steam Vessel has on board thereof any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the Owner or Master shall, for every passenger over and above the number allowed by the certificate, be liable to a fine not exceeding twenty Rupees, or to imprisonment not exceeding one week, or to both.

Penalty for proceeding without certificate.

XXXI. If any such Steam Vessel shall proceed on any such voyage without such certificate as aforesaid, the Owner or Master shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for any term not exceeding three months, or to both.

Grant or revocation of certificate to be subject to control of Government.

XXXII. In the grant or revocation of any certificate under this Act the officer granting or revoking the same shall be subject to the control of the Local Government or of any intermediate authority which that Government may appoint.

CHAPTER IV.

MISCELLANEOUS.

Penalty on landing passeng at a place other than that at which he has contracted to land.

XXXIII. If any Native passenger in any Ship shall be landed at any Port or place other than the Port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for each offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Passenger's right of action preserved.

XXXIV. Nothing in this Act contained shall take away or abridge any right of action which may accrue to any Native passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

Adjudication of offences.

XXXV. All offences against this Act shall be punishable in a summary manner by a Magistrate.

Fine leviables by distress on Ship.

If the person on whom any fine is imposed under this Act is the Master or Owner of a Ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by the law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said Ship, her tackle, furniture and apparel.

Jurisdiction.

XXXVI. For the purpose of the adjudication of penalties under this Act, every offence hereunder shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

By whom proceedings for penalties to be instituted.

XXXVII. The penalties to which Masters and Owners of Ship are liable by this Act, shall be enforced only by information laid at the instance of the officers appointed to grant certificates under this Act; or, at any Port or place where there is no such officer, by the Chief Officer of Customs.

Application of fines.

XXXVIII. Any Magistrate imposing any fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such fine is imposed, or in or towards payment of the expenses of the proceedings.

ACT XIII OF 1870.

(*Received the assent of the Governor General on the 1st April* 1870).

An Act to apply the provisions of Act No. XVIII of 1854 to Railways belonging to or worked by, Government.

1. Application of Railway Act to Railways belonging to Government but worked by Companies.
2. Application of Railway Act to Railways worked by Government.
3. Modifications of Act when applied to Railways worked by Government.

Application of Railway Act to Railways belonging to Government but worked by Companies.

I. Act No. XVIII of 1854 (*relating to Railways in India*) shall apply to all Railways now or hereafter belonging to Government, but worked by a Railway Company, in the same manner as if such Railways belonged to the Company and had been opened by the Company in manner mentioned in the preamble to the said Act.

Application of Railway Act to Railways worked by Government.

II. Subject to the modifications hereinafter mentioned the said Act shall apply to all Railways now or hereafter worked by Government in the same manner as if such Railways had been opened by a Railway Company in manner aforesaid.

Modifications of Act when applied to Railways worked by Government.

III. In applying the said Act to any Railway now or hereafter worked by Government the expressions "servant of the Company," "such servant," "such servant of the Company," "servant of the said Company," "Company's servants," "servants of the Company," "their servants," and "any of their servants," shall mean a servant or servants employed on such Railway: the expressions "officer or servant of such Railway Company," "officer or servant of such Company," "officer or servant of the Company," "servant or officer of the Company," and "such officer or servant" shall mean an officer or servant employed on such Railway: the expressions "the premises of any such Railway Company," "the premises of the Company," "premises belonging to the Company," "lands belonging to such Railway Company," and "lands, stations or other premises belonging to the Company," shall mean the premises, lands or stations (as the case may be) occupied by or for such Railway: the expression "delivered to such Railway Company" shall mean "delivered to an officer on behalf of Government," and the expression "engagements on behalf of the said Railway Company" shall mean engagements on behalf of Government: sections nine and ten shall be read as if, for the expression "No such Railway Company shall," the expresion "The Government shall not" were substituted: the expressions "any such Railway Company," "such Railway Company," "any such

Company," and "the Company" shall mean, in sections three, six, eight, eleven, twelve, fifteen, twenty-two, twenty-seven and thirty, the Government; but in sections seventeen, nineteen, twenty, twenty-one, twenty-three, forty-one and forty-two, the expressions "Railway Company," "such Railway Company," "the Compay" and "they" (when referring to a Company) shall mean the officer for the time being entrusted with the control of such Railway: in section twenty the expression "their railway" shall mean such Railway: and section twenty-nine shall be read as follows:—

"XXIX. In the construction of this Act, every officer and servant employed on such Railway shall be deemed to be legally bound to do everything necessary for or conducive to the safety of the public, which he shall be required to do by any regulation made by the officer for the time being entrusted with the control of such Railway and allowed by the Governor General of India in Council, and of which regulation such officer or servant shall have notice: and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger and which by any such regulation he shall be prohibited from doing; and every person employed by or on behalf of the Government to do any act upon the Railway shall be deemed to be a servant employed on such Railway."

ACT XIV OF 1870.

(*Received the assent of the Governor General on the 5th April* 1870).

An Act for repealing certain enactments which have ceased to be in force, or have become unnecessary.

Preamble.
Enactments in schedule repealed.
Short title.

WHEREAS it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific-repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:— Preamble.

I. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to: And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing: Nor shall this Act affect any principal or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed: Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing, or in force. Enactments in schedule repealed.

II. This Act may be called "The Repealing Act, 1870." Short title.

Obsolete Enactments.

SCHEDULE.

PART I—STATUTES.

Year and chapter.	Title.	Extent of repeal.
13 Geo. III cap. lxiii,	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Sections sixteen, nineteen, twenty, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three and thirty-six, and section thirty-eight from and including the words 'and for that purpose' to the end of the section.
21 Geo. III. cap. lxx.	An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of His present Majesty, intituled, An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying the Governor General and Council of Bengal, and also officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court.	Sections nine to sixteen (both inclusive). Section nineteen to twenty-six (both inclusive).
33 Geo. III. cap. lii.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the government of the said territories and the better administration of justice within the same; for appropriating to certain uses the revenue and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras, and Bombay.	Section sixty-one. Section one hundred and thirty-seven from and including the words 'nor shall it be lawful for any of His Majesty's subjects' to the end of the section. Sections one hundred and fifty-five and one hundred and fifty-nine.
37 Geo. III. cap. cliii.	An Act for the better administration of of justice at Calcutta, Madras, and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	Sections four to eight (both inclusive), sections fifteen, seventeen to twenty-six (both inclusive, section thirty.
39 & 40 Geo. III. cap. lxxix.	An Act for establishing further regulations for the government of the British territories in India, and the administration of justice within the same.	Section four, six, eight, ten, eleven, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four.

Obsolete Enactments.

SCHEDULE,—*continued.*

PART I—STATUTES.

Year and chapter.	Title.	Extent of repeal.
53 Geo. III. cap. clv.	An Act for continuing the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Sections ninety-eight, ninety-nine, one hundred and one, one hundred and four, one hundred and eight, one hundred and nine, one hundred and thirteen; one hundred and twenty-two.
54 Geo. III. cap. cv,	An Act to remove doubt as to the Duties and Taxes heretofore imposed and levied under the authority of the several Governments in the East Indies.	The whole.
55 Geo. III. cap. lxxxiv.	An Act to amend so much of an Act of the thirty-third year of His present Majesty, as relates to fixing the limits of the Towns of Calcutta, Madras, and Bombay, and also so much of an Act of the thirty-ninth and fortieth year of His present Majesty, as relates to granting Letters of Administration to the effects of persons dying intestate within the several Presidencies in the East Indies, to the Registrar of the Ecclesiastical Courts; and to enable the Governor General in Council of the said Presidencies to remove persons not being British subjects; and to make provision for the Judges in the East Indies in certain cases.	The whole Act, except section one.
4 Geo. IV. cap. lxxi.	An Act for defraying the charge of retiring pay, pensions and other expenses of that nature, of His Majesty's Forces serving in India; for establishing the pensions of the Bishop, Archdeacons and Judges; for regulating ordinations; and for establishing a Court of Judicature at Bombay.	Sections eight, ten and fourteen.
5 Geo. IV. cap. cviii.	An Act for transferring to the East India Company certain possessions newly acquired in the East Indies, and for authorizing the removal of convicts from Sumatra.	Section two.
6 Geo. IV. cap lxxxv.	An Act for further regulating the payment of the salaries and pensions to the Judges of His Majesty's Courts in India, and the Bishop of Calcutta: for authorizing the transportation of offenders from the Island of Saint Helena; and for more effectually providing for the administration of justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	Section six.

Obsolete Enactments

SCHEDULE,—*continued.*

PART I.—STATUTES.

Year and chapter.	Title.	Extent of repeal.
7 Geo. IV. cap. xxxvii.	An Act to regulate the appointment of juries in the East Indies.	So much as has not been repealed.
9 Geo. IV. cap. xxxvii.	An Act to declare and settle the law respecting the liability of the real estates of British subjects and others, situate within the jurisdiction of His Majesty's Supreme Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners.	The whole Act, except as to the estates of persons dying before the first day of January 1866.
11 Geo. IV & 1 Wm. IV. cap. lxxv.	An Act for the relief of the sufferers by the insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madras.	The whole.
5 & 6 Wm. IV. cap vi.	An Act to indemnify the Governor General and other persons in respect of certain acts done in the administration of the government of the British Territories in the East Indies subsequent to the twenty-second day of April one thousand eight hundred and thirty-four, and to make those acts valid.	The whole Act so far as it relates to British India.
11 & 12 Vic., cap. xxi.	An Act to consolidate and amend the Laws relating to insolvent debtors in India.	Sections one, sixty-five, sixty-six and sixty-seven.
17 & 18 Vic., cap. civ.	An Act to amend and consolidate the Acts relating to Merchant Shipping.	Section nine, so far as it relates to British India.

Obsolete Enactments.

SCHEDULE.—*continued.*

PART II.—ACTS.

Number and Year :	Title.	Extent of repeal.
X of 1836 ...	Indigo contracts ...	Section one.
XX of 1836 ...	Revenue Sale law ...	Sections one and four.
VI of 1837 ...	Land Revenue (Cuttack) ...	Section two.
XXXVI of 1837 ...	Madras Criminal Jurisdiction Act ...	In section one, the words and figures 'It is hereby enacted that from the 15th day of December 1837,' and in section two the words 'from the said day.'
XI of 1838 ...	Ameens, Bengal	Section one, and in section two the words 'And it is hereby enacted that.'
XVI of 1838 ...	Bombay—Judiciary	In section one, clause one, the words 'It is hereby enacted in modification of the rules contained in Chapter VIII Regulation XVII of 1827 of the Bombay Code that.' In section five, the words 'without further cost of stamps to the parties except on new exhibits if any such should be allowed to be filed' and from and including the words 'but if an appeal' to the end of the section.
XIX of 1838 ...	Bombay Coasting Vessels	Section one.
XXIX of 1838 ...	Salt Department, Bengal	Section one.
XXXII of 1838 ...	Justices of the Peace	Sections two & three.
VII of 1839 ...	Tahsildars, Madras	Section one.
XXIV of 1839 ...	Ganjam and Vizagapatam	Section one.
XVI of 1840 ...	An Act concerning the management of convicts transported to places within the territories of the East India Company.	Section four.
XI of 1841 ...	An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company.	The first twenty-one words in section one.
		Section eighteen.
XII of 1841 ...	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	Section one.

Obsolete Enactments.

SCHEDULE.—*continued.*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXIX of 1841 ...	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	Section three down to and including the words 'are repealed and'
XVII of 1842 ...	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Section one, and in sections two and three the words 'and it is hereby enacted that'
XI of 1843 ...	An Act for regulating the service of hereditary officers under the Presidency of Bombay.	Section one.
XI of 1844 ...	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.	The whole.
XVI of 1844 ...	An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay.	Sections one, three and five
XVII of 1844 ...	An Act for the better control and management of gaols within the Bengal Presidency.	Section one, and in section two the words 'and it is hereby enacted that'
XX of 1844 ...	An Act to amend the law relating to advances *bonâ fide* made to Agents intrusted with goods, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 5 & 6 Victoria, c. 39, as altered by this Act.	Section nine.
XV of 1845 ...	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings.	Section six.
VIII of 1846 ...	An Act for determining the duration of the existing Settlement of the North Western Provinces.	Section one so far as it relates to Hissar, Saharanpore, Moozuffernugger Meerut, Bulundshuhur Allyghur, Bijnore, Budaon, Bareilly, Shajehanpore, Furruckabad, Allahabad, Gorucknore and Azimgurh.
I of 1847 ...	An Act for the establishment and maintenance of Boundary Marks in the North Western Provinces of Bengal.	In Section six, the words and figures 'under Act IV of 1840.'
IX of 1847 ...	An Act regarding the assessment of lands gained from the sea or from rivers by	Section eight.

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
IX of 1847,—(*contd.*)	alluvion or dereliction within the provinces of Bengal, Behar and Orissa.	Section eight.
XX of 1847 ...	An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section seventeen.
IV of 1848 ...	An Act for regulating Coroner's Juries.	In section two, the words and figures 'according to the provisions of Act No. LI of 1839.'
XVI of 1848 ...	An Act to remove certain restrictions on the salt trade.	The whole.
XVIII of 1848 ...	An Act for the administration of the estate of the late Nawab of Surat, and to continue privileges to his family.	Sections three and four.
I of 1849 ...	An Act to provide more effectually for the punishment of offences committed in Foreign States.	Section one,
VI of 1849 ...	For securing Military and Naval pensions and superannuation allowances.	Sections one and four.
XI of 1849 ...	For securing the Abkaree revenue of Calcutta.	Section one.
IX of 1850 ...	An Act for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	Section seven. In section seventeen, the words 'by action of debt or on the case.'
XI of 1850 ...	An Act to amend Act X, 1841.	Section one.
XII of 1850 ...	For avoiding loss by the default of Public Accountants.	Section six.
XIX of 1850 ...	Concerning the binding of apprentices.	Section six.
XXV of 1850 ...	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII, 1829, and Act IV, 1846.	Section one.
XXVI of 1850 ...	An Act to enable improvements to be made in towns.	Section one.
XXXIII of 1850 ...	An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.	Sections two and three.
XXXVII of 1850 ...	For regulating inquiries into the behavior of public servants.	Section one.
XLIV of 1850 ...	An Act for consolidating the Board of Customs, Salt and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.	Section one.
VI of 1851 ...	Respecting certain land in Bombay called Foras Land.	The whole.
VIII of 851 ...	An Act for enabling Government to levy tolls on public roads and bridges.	Section one.
V of 1852 ...	An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, intituled "An Act for Marriages in India."	Section twenty-six.

Obsolete Enactments.

SCHEDULE.—*(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XV of 1852 ...	An Act to amend the Law of Evidence.	Section fourteen.
XVI of 1852 ...	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	Sections ten and twenty-seven.
XIX of 1852 ...	An Act for securing the Abkaree revenue of Madras.	Section one.
XXIII of 1852 ...	To authorise and empower the Governors in Council of the respect we Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	The preamble dsn section one.
XXIX of 1852 ...	An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.	Section one.
X of 1853 ...	An Act to facilitate the removal of Nuisances and Encroachments below High-water Mark in the Islands of Bombay and Colaba.	In section seven, the words 'the East India Company as trustees for.'
XX of 1853 ...	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section one.
V of 1854 ...	An Act to amend Act No. V of 1838 relating to the Bengal Bonded Warehouse Association.	Section one.
VII of 1854 ...	An Act for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said Territorries, and for delivering them up to justi e, and to provide for the execution of warrants in places out of the Jurisdiction of the authorities issuing them.	Section twenty-four.
XIII of 1854 ...	An Act to repeal Act No. VI of 1852, and to make provision for defraying the cost of the Light House on Pedra Branca, and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the west of Singapore, and for the establishment and maintenance for such further Lights in or near to the said Straits as may be deemded expedient.	Section one.
XVI of 1854 ...	An Act to amend Regulation XI of 1831 of the Bengal Code.	Section one.
XVIII of 1854 ...	An Act relating to Railways in India.	Section thirty-nine.
XXIV of 1854 ...	An Act to prohibit the possession of certain offensive weapons in Malabar.	In section one, from and including the words 'and every person' to the end of the section. In section two, the words 'after such date'

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXVII of 1854 ...	An Act to amend the law relating to the Nazim of Bengal.	Section one
XXX of 1854 ...	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Sections one and twelve
XXXI of 1854 ...	An Act to abolish real actions and also fines and common recoveries and to simplify the mode of conveying land in cases to which the English Law is applicable.	Section one
II of 1855 ...	An Act for the further improvement of the Law of Evidence.	Section seventeen
XXII of 1855 ...	An Act for the regulation of Ports and Port-dues.	Section one, and in section thirty-five, the words 'or of the Honorable East India Company.' Section forty-three.
XXIV of 1855 ...	An Act to substitute penal servitude for the punishment of Transportation in respect of European and American convicts, and to amend the Law relating to the removal of such convicts.	Section sixteen
XXVI of 1855 ...	An Act to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors.	So much of section five as relates to persons dying in the service or in the Marine service of the East India Company
XXVIII of 1855 ...	An Act for the repeal of the Usury Laws.	Sections one, seven and eight and the Schedule
XXXII of 1855 ...	An Act relating to embarkments.	Section one
XXXVII of 1855 ...	An Act to remove from the operation of the general Laws and Regulations certain District inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	Section six
VIII of 1856 ...	An Act for the better control of the gaols within the Presidencies of Fort St. George and Bombay.	Section one
XI of 1856 ...	An Act for the better prevention of desertion by European Soldiers from the Land Forces of Her Majesty and of the East India Company in India.	In the title and the preamble the words 'and of the East India Company.'
XII of 1856 ...	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	Section one.
XIII of 1856 ...	An Act for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca	Section one from the beginning down to and including the words 'operation and.' And the schedule.

Obsolete Enactments.

SCHEDULE.—*(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XX of 1856 ...	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal.	Section one from the beginning down to and including the words 'provided that'
XXI of 1856 ...	An Act to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal.	Sections one and eighty-nine
III of 1857 ...	An Act relating to trespass by Cattle.	Sections one and twenty-two
IV of 1857 ...	An Act to amend the law relating to the duties payable on Tobacco, and the retails sale and ware-housing thereof in the town of Bombay.	Section one In section five, the words and figures 'within the meaning of Act XXV of 1836.'
X of 1857 ...	An Act to amend Act XXXVII of 1855.	Section one, from the beginning down to and including the words 'this Act; and'
XIII of 1857 ...	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal.	Section one.
XXIX of 1857 ...	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay.	Section one.
XXX of 1857 ...	An Act for the levy of Port-dues and fees in the Port of Calcutta.	Section seven from the beginning down to and including the words 'said date'
XXXI of 1857 ...	An Act for the levy of Port-dues and fees in the Port of Bombay.	Section six from the beginning down to and including the words 'said date'
XXXIV of 1857 ..	An Act relating to the sale of Ganjah in the Presidency of Bombay.	Section one.
XXXV of 1857 ...	An Act for the levy of Port-dues in the Ports of Moulmein, Rangoon, Kyouk Phyoo, Akyab and Chittagong.	Section five from the beginning down to and including the words 'said date'
II of 1858 ...	An Act for the levy of Port-dues in certain ports in the Province of Cuttack.	Section five. Section six from the begining down to and including the words 'said date
III of 1858 ...	An Act to amend the law relating to the arrest and detention of State Prisoners.	Section one.
VIII of 1858 ...	An Act for the levy of Port-dues and fees in the Port of Kurrachee.	Section seven. Section eight from the beginning down to and including the words 'said date.'

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XV of 1858 ...	An Act for the levy of Port-dues in the Port of Aden.	Section six from the beginning down to and including the words 'said date.'
XXVIII of 1858 ...	An Act for the maintenance of a Police Force for the Port of Madras.	Section eleven.
XXXV of 1858 ...	An Act to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	Section one.
XL of 1858 ...	An Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal.	Section one.
I of 1859 ...	An Act for the amendment of the law relating to Merchant Seamen.	Section one.
III of 1859 ...	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	In section eleven, the words 'or who shall be appointed Register of Deeds,' and the words 'and Registers of Deeds respectively.'
VIII of 1859 ...	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	In section three hundred and eighty-two, the words 'in any Court of Judicature established by Royal Charter or' Section three hundred and eighty-seven.
X of 1859 ...	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	Sections one and one hundred and sixty-seven.
XI of 1859 ...	An Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency.	Section one.
XII of 1859 ...	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	Section one.
XIV of 1859 ...	An Act to provide for the limitation of suits.	Sections eighteen, twenty-one and twenty-three, and, in section nineteen the proviso.
XVII of 1859 ...	An Act to amend the law for the realization of revenue from Abkaree in the island of Bombay.	Section one.
XX of 1859 ...	An Act for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George.	Section one.
XXII of 1859 ...	An Act to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay.)	Section one.

Obsolete Enactments.

SCHEDULE.—*(continued.)*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXIV of 1859 ...	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George	Sections two and three and the schedule down to and including the words 'said clause'
XXV of 1859 ...	An Act to prevent the over-crowding of Vessels carrying Native passengers in the Bay of Bengal.	Section nineteen.
II of 1860 ..	An Act to amend the law relating to the carriage of Passengers by Sea.	In Section one, the words and figures 'under Act XV of 1842,' 'under Act XXI of 1844,' 'under Act XXXI of 1855.'
VIII of 1860 ...	An Act for regulating the establishment and management of Electric Telegraphs in India.	Section one.
XXIII of 1860 ...	An Act to amend Act XXI of 1856 (to consolidate and amend the Law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal).	Section one from the beginning down to and including the word 'repealed' and the schedule.
XXV of 1860 ...	An Act for the levy of Port-dues in the Port of Bassein.	Section five from the beginning down to and including the words 'said date'
XXVIII of 1860 ...	An Act for the establishment and maintenance of boundary marks, and for facilitating the settlement of boundary disputes in the Presidency of Fort St. George.	Sections one and thirty-three.
XXXI of 1860 ...	An Act relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.	Sections one, fifty-two and fifty-five.
XLV of 1860 ...	The Indian Penal Code.	In Section five, the words 'or of the East India Company, or of any Act for the government of the Indian Navy,'
XLVI of 1860 ...	An Act to authorise and regulate the emigration of Native labourers to the French Colonies.	Section one.
XLVIII of 1860 ...	An Act to amend Act XIII of 1856 for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.)	Section one from the beginning down to and including the words 'repealed, and'
L of 1860 ...	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal,	Section one.

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and Year.	Title.	Extent of repeal.
X of 1861 ...	An Act to repeal certain Regulations and Acts relating to the procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole.
XIV of 1861 ...	An Act to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.	In section four, the words 'shall not call for the futwah of its law Officer and' Section seven.
XVI of 1861 ...	An Act for licensing and regulating stage carriages.	Section twenty-two.
XVII of 1861 ...	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	Section three.
XIX of 1861 ...	An Act to provide for a Government Paper Currency.	In the preamble, from and including the words 'and whereas due notice' down to and including the words 'hereinafter provided' Section one. In section two, the words 'After the passing of this Act,' and the words 'except the Banks of Bengal, Madras and Bombay up to the said 1st day of March 1862, and'
XXIII of 1861 ..	An Act to amend Act VIII of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.)	Sections one and forty-three.
XXV of 1861 ...	An Act for simplifying the procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section four hundred and forty-five, except so far as it empowers the Governor General in Council to extend the Act.
IV of 1862 ...	An Act for regulating the Bank of Bengal.	Sections one and forty-two, and the second proviso in section eleven.
XIII of 1862 ...	An Act to provide for a new Silver and a new Copper Coinage.	Section one.
XIX of 1862 ...	An Act to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court.	Sections seven, eleven and twelve.
XXIII of 1862 ..	An Act to amend Act XI of 1862 (to amend the duties of Customs on goods imported and exported by sea.)	The whole.

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART.—II ACTS.

Number and year.	Title.	Extent of repeal.
I of 1863 ...	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory.	Sections one and twenty-eight.
VI of 1863 ...	An Act to consolidate and amend the law relating to administration of the Department of Sea Customs in India.	Sections two and two hundred and thirty.
VIII of 1863 ...	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	Section one.
XII of 1863 ...	An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the district of Humeerpore, under the operation of the General Regulations.	Sections two three, four, five, and six.
XV of 1863 ...	An Act to amend Act I of 1859 (for the amendment of the law relating to Merchant Seamen.)	Section one.
XIX of 1863 ...	An Act to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	Section one, and the first eight words of section two. Section fifty.
XX of 1863 ...	An Act to enable the Government to divest itself of the management of Religious Endowments.	Section one.
XXIV of 1863 ...	An Act to amend Act I of 1863 (to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burma, and to provide for the extension of certain Acts to the said territory.)	Sections four and five
VII of 1864 ...	An Act for regulating the importation and manufacture of alimentary salt, in the territories administered by the Chief Commissioner of the Central Provinces.	Section one.
XII of 1864 ...	An Act to give further effect to the provisions of Act IV of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah).	Section two.
XIII of 1864 ...	An Act to consolidate and amend the laws relating to the emigration of Native Labourers.	Sections one and eighty-four, and schedule A.
XVII of 1864 ...	An Act to constitute an office of Official Trustee,	Section two.
XXII of 1864 ...	An Act to make provisions for the Administration of Military Cantonments.	Sections two, thirty-seven and the schedule.

Obsolete Enactments.

SHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXIV of 1864 ...	An Act relating to the Administration of certain Districts under the Government of the Lieutenant Governor of the North-Western Provinces.	Section fifteen.
XXVIII of 1864 ...	An Act to provide for the extension of Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal), to the provinces under the control of the Lieutenant Governor of the Panjab.	Section three.
XI of 1865 ...	An Act to consolidate and amend the law relating the Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature.	Section two, from the beginning down to and including the words 'Provided that' And from and including the words 'and all suits' down to the end of the section.
XIII of 1865 ...	An Act to amend the procedure to Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	In section nine, the words 'From and after the date on which this Act shall come into operations,' and in sections twenty-two, twenty-three, twenty-four, and forty-four, the words 'From and after the commencement of this Act.' Sections forty-five and forty-six.
XIV of 1865 ...	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Section twenty-four.
XV of 1865 ...	An Act to define and amend the law relating to Marriage and Divorce among the Parsees.	In section seven, the words 'who may be the Registrar appointed under Act XVI of 1864 (to provide for the registration of assurances.)' In section fifty-three the words 'shall commence and take effect on the first day of September 1865, and'
XIX of 1865 ...	An Act to define the jurisdiction of the Courts of Judicature of the Panjab and its Dependencies.	Sections twenty four and twenty-five.

Obsolete Enactment.

SCHEDULE.,—*(continued.)*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XX of 1865 ...	An Act to amend the law relating to Pleaders and Mookhtars.	Section three and the first schedule.
IV of 1866 ...	An Act to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies,	Section forty-five, fifty-two and fifty-four.
V of 1866 ...	An Act to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.	In section two, the words 'From and after the first day of May 1866,"
X of 1866 ...	The Indian Companies' Act	Section two hundred and nineteen, two hundred and twenty, two hundred and twenty-one and two hundred and twenty two, and the third schedule.
XI of 1866 ...	An Act to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).	The whole.
XIV of 1866 ...	The Indian Post Office Act, 1866.	In section one, the words 'shall come into operation on the first day of May 1866, and'
		Section three.
XX of 1866 ...	The Indian Registration Act, 1866.	Section three, and section ninety-eight from the beginning down to and including the word 'notwithstanding.'
		Section one hundred and two.
XXII of 1866 ...	An Act to Extend the Indian Marriage Act 1865, to the Hyderabad Assigned Districts, and the Cantonments of Secunderabad Trimulgerry and Aurungabad.	In section one, the words 'From and after the passing of this Act"
XXVI of 1866 ...	An Act to legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.	Section two.
XXVII of 1866 ...	An Act to consolidate and amend the law relating to the conveyance and transfer of property in British India vested in mortgagees and trustees, in cases to which English law is applicable.	Section one.
XII of 1867 ...	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal, Madras and Bombay.	Section two and the schedule.

Obsolete Enactments.

SCHEDULE.—(*continued.*)

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XVIII of 1867 ...	An Act to define the Jurisdiction of the Courts of Civil Judicature in the Jhansi Division.	Section two.
XXIV of 1867 ...	An Act to consolidate and amend the law relating to the office and duties of Administrator General.	Section two and the schedule.
XXV of 1867 ...	An Act for the regulation of Printing-presses and Newspapers, for the preservation of books printed in British India, and for the registration of such books.	Sections two and twenty-three.
XXXIV of 1867 ...	An Act to repeal Act No. XIX of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable.	The whole.
XXXV of 1867 ...	An Act to provide temporary assistance to the Financial Commissioner of the Panjab.	The whole.
III of 1868 ...	An Act to authorize the Local Government of the Panjab to invest any person with the powers of an Assistant Commissioner or Tahsildar.	Section three.
VIII of 1868 ...	An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.	The whole.
XI of 1868 ...	An Act to extempt Timber and Woods from Import Duty.	The whole.
XIII of 1868 ...	An Act to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.	Section one.
XVI of 1868 ...	An Act to consolidate and amend the law relating to Principal Sadr Amins, Sadr Amins and Munsifs in Bengal, and for other purposes.	Section one and the schedule.
XVII of 1868 ...	An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.	The whole.
XVIII of 1868 ...	An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.	Section five.
XIX of 1868 ...	An Act to consolidate and amend the law relating to rent in Oudh.	Section two.
XX of 1868 ...	An Act to give validity to the levy of certain duties in Lucknow.	The whole.
XXIII of 1868 ...	An Act to give validity to certain Abkaree Rules in British Burmah.	In the preamble, the words 'and to indemnify all officers and other persons who have acted under them, or under any such rules previously published or enforced under the same authority' And section two.
XXV of 1868 ...	An Act to define the jurisdiction of the Courts in Coorg.	Section twenty-four.

Obsolete Enactments

SCHEDULE.—(*continued.*)

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXVIII of 1868 ...	An Act to define and amend the law relating to the tenancy of land in the Panjab.	Section four.
II of 1869 ...	An Act for the appointment of Justices of the Peace.	Section two and the schedule.
III of 1869 ...	An Act for the maintenance of the Rural Police in the North-Western Provinces.	Section two.
V of 1869 ...	The Indian Articles of War.	Part I, clause (*c*), paragraphs one, two and three.
VI of 1869 ...	An Act to amend the law relating to the Emigration of Native labourers.	Sections ten and eleven.
VII of 1869 ...	An Act to give validity to certain Rules relating to Forests in British Burmah.	In the preamble, the words 'and to indemnify the officers and other persons who have acted under them.' Section two.
VIII of 1869 ...	An Act further to amend the Code of Criminal Procedure.	Section two, paragraph one.
XI of 1869 ...	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidences of Fort St. George and Bombay.	Section two.
XIV of 1869 ...	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.	Section two and the schedule.
XVIII of 1869 ...	An Act for imposing Stamp Duties on certain Instruments.	Section two and the third schedule.
XX of 1869 ...	An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.	Section three.
XXII of 1869 ...	An Act to remove the Garo Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.	Section two and three.
XXIV of 1869 ...	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.	Sections one.
VII of 1870 ...	The Court Fees Act.	Section two and the third schedule.

ACT XV OF 1870.

REPEALED BY ACT III OF 1871.

ACT XVI OF 1870.

THE INDIAN INCOME TAX ACT.

REPEALED BY ACT XII 1871.

ACT XVII OF 1870.

REPEALED BY ACT XIII OF 1871.

ACT XVIII OF 1870.

(*Received the assent of the Governor General on the 5th July* 1870),

AN ACT TO ENABLE THE GOVERNMENT OF INDIA TO EXEMPT GOODS FROM CUSTOMS DUTIES.

1. Power to exempt from customs duties. Power to cancel exemption.

FOR the purpose of enabling the Governor General of India in Council to exempt goods from duties of customs; It is hereby enacted as follows:—

I. The said Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under the Indian Customs Duties' Act, 1870, or any other law for the time being in force relating to such duties, and may, by like notification, cancel any such exemption.

Power to exempt from customs duties.

Power to cancel exemption.

ACT XIX OF 1870.

(*Received the assent of the Governor General on the 5th July* 1870).

AN ACT TO ENABLE THE DIRECTORS OF THE BANK OF BENGAL TO ACT BY A QUORUM.

1. Amendment of Act IV of 1862, section 13.
2. Validation of acts of Directors.

WHEREAS section thirteen of the Act for regulating the Bank of Bengal (No. IV of 1862) declares that the business of the said Bank shall be managed by nine Directors, but does not authorize such business to be managed by a less number; and whereas it is expedient to provided that such business may be managed by a quorum; It is hereby enacted as follows:—

I. The said section shall be construed as if, after the words "nine Directors," the words "of whom three shall be a quorum and" were inserted.

Amendment of Act IV of 1862, section 13.

II. No act heretofore done by a number of the said Directors less than nine shall be deemed invalid by reason only of its having been done by such less number.

Validation of acts of Directors.

ACT XX OF 1870.

(*Received the assent of the Governor General on the 5th July* 1870).

AN ACT TO CORRECT TWO CLERICAL ERRORS IN THE COURT FEES' ACT, 1870.

1. Corrections of Act VII of 1870, section 15, and Schedule I, No. 2.

FOR the purpose of correcting two clerical errors in the Court Fees' Act, 1870; It is hereby enacted as follows:—

Corrections of Act VII of 1870, section 15, and Schedule I, No. 2.

I. Section fifteen of the said Act shall be read as if for the words "plaint or memorandum of appeal," the word "application" were substituted; and in Schedule I to the said Act annexed, Number two shall be read as if the words "or memorandum of appeal" were omitted therefrom.

ACT XXI OF 1870.

(Received the assent of the Governor General on the 19th July 1870).

AN ACT TO REGULATE THE WILLS OF HINDUS, JAINAS, SIKHS AND BUDDHISTS IN THE LOWER PROVINCES OF BENGAL AND IN THE TOWNS OF MADRAS AND BOMBAY.

1. Short title.
2. Certain portions of Succession Act extended to Wills of Hindus, Jainas, Sikhs and Buddhists. Extent of Act.
3. Provisos.
4. Partial repeal of Bengal Regulation V of 1799, section 2.
5. Saving of rights of Administrator General.
6 Interpretation-clause.

WHEREAS it is expedient to provide rules for the execution, attestation, revocation, revival, interpretation and probate of the Wills of Hindús, Jainas, Sikhs and Buddhists in the territories subject to the Lieutenant Governor of Bengal and in the towns of Madras and Bombay; It is hereby enacted as follows:—

Short title.

I. This Act may be called "The Hindú Wills' Act, 1870."

Certain portions of Succession Act extended to wills of Hindus, Jainas, Sikhs, and Budhists.

II. The following portions of the Indian Succession Act, 1865, namely, —sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five, and fifty-seven to seventy-seven (both inclusive); sections eighty-two, eighty-three, eighty-five, eighty-eight to one hundred and three (both inclusive); sections one hundred and six to one hundred and seventy-seven (both inclusive); sections one hundred and seventy-nine to one hundred and eighty-nine (both inclusive); sections one hundred and ninety-one to one hundred and ninety-nine (both inclusive); so much of Parts XXX and XXXI as relates to grants of probate and letters of administration with the will annexed; and Parts XXXIII to XL (both inclusive), so far as they relate to an executor and an administrator with the will annexed, shall, notwithstanding anything contained in section three hundred and thirty-one of the said Act, apply—(*a*) to all wills and codicils made by any Hindú, Jaina, Sikh or Buddhist, on or after the first day of September one thousand eight hundred and seventy, within the said territories or the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Madras and Bombay; and (*b*) to all such wills and codicils made outside those territories and limits, so far as relates to immoveable property situate within those territories or limits.

Extent of Act.

Provisos.

III. Provided that marriage shall not revoke any such will or codicil: And that nothing herein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any right of maintenance of which, but for section two of this Act, he could not deprive them by will: And that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated *inter vivos*: And that nothing herein contained shall affect any law of adoption or intestate succession: And that nothing herein contained shall authorise and Hindú Jaina, Sikh or Buddhist to create in property any interest which he could not have created before the first day of September one thousand eight hundred and seventy.

Partial repeal of Bengal Regulation V of 1799 section 2.

IV. On and from that day, section 2 of Bengal Regulation V of 1799 shall be repealed so far as relates to the executors of persons who are not Muhammadans, but are subject to the jurisdiction of a District Court in the territories subject to the Lieutenant Governor of Bengal.

V. Nothing contained in this Act shall affect the rights, duties and privileges of the Administrators General of Bengal, and Madras and Bombay, respectively. Saving of rights of Administrator General.

VI. In this Act and in the said sections and parts of the Indian Succession Act, all words defined in section three of the same Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as the said section three has attached to such words respectively: and in applying sections sixty-two, sixty-three, ninety-two, ninety-six, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, and one hundred and eighty-two of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child" and "children" shall be deemed to include an adopted child; and the words "grand-children" shall be deemed to include the children, whether the adopted or natural-born, or a child whether adopted or natural-born; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son: And in making grants under this Act, of letters of administration with the will annexed, or with a copy of the will annexed, section one hundred and ninety-five of the said Succession Act shall be construed as if the words "and in case the Hindú Wills' Act had not been passed" were added thereto; and section one hundred and ninety-eight of the said Succession Act shall be construed as if, after the words "intestate" the words "and the Hindú Wills' Act had not been pass d" were inserted; and sections two hundred and thirty and two hundred and thirty-one of the said Succession Act shall be construed as if the words "if the Hindú Wills' Act had not been passed" were added thereto, respectively. Interpretation clause.

ACT XXII OF 1870.

(Received the assent of the Governor General on the 30th August 1870).

AN ACT TO CONFIRM CERTAIN LAWS AFFECTING EUROPEAN BRITISH SUBJECTS.

1. Confirmation of local Acts so far as regards European British subjects.
2. Acts conferring summary jurisdiction over offences to apply to European British subjects.
3. Amendment of Act No. XVIII of 1859 sections 1, 2 and 4.
4. Saving of limits of Magistrates' ordinary jurisdiction.
5. Indemnity-clause.

WHEREAS the Governors of the Presidencies of Fort St. George and Bombay in Council, and the Lieutenant Governor of Bengal in Council, have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras and Bombay; and whereas doubts have also been raised as to the application to European British subjects of certain Acts of the Governor General in Council: For the purpose of removing such doubts, it is hereby enacted as follows:— Preamble.

II. Every such Act passed by the Governor of the Presidency of Madras in Council, or by the Governor of the Presidency of Bombay in Council, or by the Lieutenant Governor of Bengal in Council, shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations. Confirmation of local Acts so far as regards European British subjects.

III. Unless there be something repugnant in the context, all Acts heretofore or hereafter passed by the Governor General in Council, which confer summary jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein. Acts conferring summary jurisdiction over offences to apply to European British subjects.

Amendment of Act No. XVIII of 1859 sections 1, 2 and 4.

IV. Act No. XVIII of 1859 (*to amend the law relating to offences declared to be punishable on conviction before a Magistrate*) shall be construed as if, in sections one, two and four, after the word 'heretofore' the words 'or hereafter' were inserted.

Saving of limits of Magistrates' ordinary jurisdiction.

V. Nothing in this Act shall be taken to authorize a Magistrate to exceed the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

Indemnity-clause.

VI. All Magistrates and other persons are hereby indemnified for anything done before the passing of the Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

ACT XXIII OF 1870.

(*Received the assent of the Governor General on the 6th September* 1870).

THE INDIAN COINAGE ACT, 1870.

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AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO COINAGE AND THE MINT.

WHEREAS it is expedient to consolidate and amend the law relating to Coinage and the Mint; It is hereby enacted as follows:—

I.—Preliminary

Short title.

I. This Act may be called "The Indian Coinage Act, 1870."

Repeal of enactment.

II. The Regulations and Act mentioned in the schedule hereto annexed are repealed.

Interpretation clause.

III. In this Act, the expression 'Mint' includes the Mint at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council, by notification in the *Gazette of India*, from time to time directs; the expression 'Mint-rules' means such rules as the Governor General in Council from time to time prescribes for the management of the Mint; and the expression 'remedy' means variation from the standard weight and fineness.

II.—Gold Coinage.

Gold Coins.

IV.—The under-mentioned gold coins only shall be coined at the Mint:—(1.)—A gold mohur or fifteen-rupee piece. (2.)—A five rupee piece equal to a third of a gold mohur. (3.)—A ten-rupee piece equal to two-thirds of a gold mohur. (4.)—A thirty-rupee piece or a double gold mohur.

Their standard weight and fineness.

V. The standard weight of the said gold 'mohur shall be one hundred and eight grains Troy, and its standard fineness shall be as follows:—eleven-twelfths, or one hundred and sixty-five grains, of fine gold, and one-twelfth, or fifteen grains, of alloy. The other gold coins shall be of proportionate weight and of the same fineness: Provided that in the making of gold coins, a remedy shall be allowed of an amount not exceeding two thousandths in weight and two thousandths in fineness.

Remedy allowed.

III.—Silver Coinage.

Silver coins.

VI. The under-mentioned silver coins only shall be coined at the Mint:—(1.)—A rupee to be called the Government Rupee. (2.)—A half rupee. (3.)—A quarter rupee, or four-anna piece. (4.)—An eighth of a rupee, or two-anna piece.

Their standard weight and fineness.

VII. The standard weight of the Government Rupee shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows:—eleven-twelfths, or one hundred and sixty-five grains, of fine silver, and one-twelfth, or fifteen grains, of alloy. The other silver coins shall be of proportionate weight and of the same fineness: Provided that, in the making of silver coins a remedy shall be allowed of an amount not exceeding the following:—

Remedy allowed.

	Remedy and weight.	Remedy in fineness.
Rupee	Five thousandths	Two thousandths
Half rupee		
Quarter rupee	Seven thousandths	Three thousandths
Eighth of a rupee	Ten thousandths	

IV.—Copper Coinage.

Copper coins.

VIII. The under-mentioned copper coins only shall be coined at the Mint—(1.).—A double pice, or half anna. (2)—A pice, or quarter anna. (3).—A half pie, or one-eighth of an anna. (4.)—A pie, being one-third of a pice or one-twelfth of an anna.

Their weight.

IX. The weight of the double pice shall be two hundred grains Troy. The other coins shall be of proportionate weight: Provided that,

Remedy allowed.

in the making of copper coins, a remedy shall be allowed of an amount not exceeding one-fortieth in weight.

V.—Devices on Coins.

Present devices on coins.

X. Until the Governor General in Council otherwise orders under the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India" with such date and embellishments on each coin as the Governor General in Council from time to time determines.

Power to order other devices

XI. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe, in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit.

VI.—Legal Tender.

Gold coin not a legal tender.

XII. No gold coin shall be a legal tender in payment or on account.

Rupees and half rupees a legal tender.

XIII. The said rupee and half rupee shall be a legal tender in payment or on account: Provided that the coin has not lost more than two per cent. in weight: Provided also that it has not been clipped or filed, or defaced, or diminished, otherwise than by use.

Four anna and two anna pieces.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the second proviso contained in this section.

Copper coin when a legal tender.

XIV. The double pice shall be a legal tender for the thirty-second part of a rupee or for half an anna; the pice for the sixty-fourth part of a rupee or for one-fourth of an anna; the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna; and the pie for the hundred and ninety-second part of a rupee or for one-twelfth of an anna: Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

Coin made under former Acts.

XV. All silver coin of the weight and standard specified in the Acts No. XVII of 1835, No. XXI of 1838, and No. XIII of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender; and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXII of 1844, and No. XIII of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender, shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act or in any Act hereby repealed notwithstanding.

VII.—Diminished Counterfeit, and Called-in Coin.

Cutting certain silver coins.

XVI.—When any silver coin purporting to be coined and issued under the authority of the Government of India is tendered to any officer authorized by the Governor General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reasonable wearing, more than two per cent. in weight, or to be counterfeit, or to have been reduced in weight otherwise than by reasonable wearing, or to be called-in by any proclamation, he may, by himself or another, subject to the rules which the Governor General in Council prescribes in this behalf, cut or break such coin.

Return of cut coin.

XVII. If any coin so cut or broken is counterfeit, or has been reduced in weight otherwise than by reasonable wearing, the pieces shall be returned to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking.

Receipt of cut coin.

But if it has been coined and issued by the authority of the Government of India, and has lost by reasonable wearing more than two per cent. in weight, or has been called-in by any proclamation, the officer cutting or breaking the same shall receive it at the rate of one rupee per tola.

XVIII. All public servants are hereby indemnified for anything done heretofore, which they might lawfully have done if this Act had been in force, and if they had been authorized under section sixteen, and no suit or other proceeding shall be maintained against any such persons in respect of anything so done. Indemnification of public servants.

No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act. Bar of suits for acts done *bonâ fide*.

VIII.—Coinage of Bullion.

XIX. Subject to the Mint Rules for the time being in force, the Mint Master shall receive all gold and silver bullion and coin brought to the Mint: Provided that such bullion and coin be fit for coinage: Provided also that the quantity so brought at one time by one person is not less, in the case of gold than fifty tolas, and, in the case of silver, than one thousand tolas. Receipt of gold and silver bullion and coin.

XX. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin brought for coinage to the Mint in accordance with the said Mint Rules. Duty on produce of gold bullion.

XXI. All silver bullion or coin brought for coinage to the Mint, in accordance with the said Mint Rules, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor. Duty on produce of silver bullion.

XXII. A charge of one-fourth per mille on gold bullion and coin, and of one per mille on silver bullion and coin, shall also be levied for melting or cutting such bullion and coin so as to render the same fit for receipt into the Mint. Charge for melting and cutting bullion.

XXIII. All gold and silver bullion and coin brought to the Mint for coinage and which is inferior to the standard fineness prescribed by this Act, or which, from brittleness or other cause, is unfit for coinage, shall, in case it is refined, be subject, in addition to the duty and charge aforesaid, to such charge on account of the loss and expense of refining as the Governor General in Council prescribes in this behalf. Charge for refining.

XXIV. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury. Certificate for produce of bullion.

XXV. The proprietor of any bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may within twenty-four hours after receiving such report, and subject to the payment of the fee prescribed in this behalf by the Governor General in Council, withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act. Withdrawal of bullion.

XVI. For all gold bullion and coin, in respect of which the Assay Master has granted a certificate, payment shall be made, as nearly as may be, in gold coins coined under this Act or Act No. XVII of 1835; and the balance (if any) due to the proprietor shall be paid in silver, or in silver and copper, coins current in British India. Payment for gold bullion.

IX.—Power to make Rules.

XXVII. The Governor General in Council may, from time to time, (1) fix the number and duties of the officers of, and persons employed in, the Mint: (2) make rules and give directions (subject to the provisions of this Act, and any notification made thereunder) respecting the management of the Mint, and revoke and alter such rules and directions. Rules as to officers and management of the Mint.

XXVIII. The Governor General in Council may also, from time to time, by notification in the *Gazette of India*, (1) diminish the amount of remedy allowed by sections five, seven and nine in the case of any coin: (2) determine in the case of any coin the date and embellishments to be put thereon: (3) call in coins of any date or denomination, or any coins coined before the date in the notification mentioned: (4) prescribe rules for the guidance of officers authorized to cut or break coin under section Rules by notification.

sixteen: (5) prescribe the charge to be made on account of the loss and expense of refining: (6) determine the period for which certificates granted under section twenty-four shall run: (7) fix the fee payable under section twenty-five: (8) establish a Mint at any place in British India, other than Calcutta and Bombay: (9) abolish any Mint so established or any Mint now existing in British India: (10) regulate any matters relative to coinage and to the Mint, which are not provided for by this Act: (11) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

SCHEDULE.

Number and year.	Title or subject.
Bengal Regulation II of 1812 ...	A Regulation for levying a Duty on the Coinage of Silver Bullion and on the Re-coinage of Rupees and other coins with certain Exceptions, at the Mints established at Calcutta, Furruckabad, and Benares; for defining the Weight and Standard of the Benares Rupee; for modifying the Rates of Duty at present levied on the Coinage of Gold Bullion in the Mint of Calcutta; and also for establishing certain Rules for the Conduct of the Business of the above-mentioned Mints, respectively.
Bengal Regulation XIV of 1817 ...	A Regulation for amending certain Parts of Regulation II. of 1812.
Bengal Regulation XIV of 1818 ...	A Regulation for altering the Standard of the Calcutta Sicca Rupee and Gold Mohur, and for further modifying some of the Rules in force respecting those Coins.
Bengal Regulation V of 1819 ...	A Regulation for modifying certain Parts of the Rules in force in regard to the Conduct of the Business of the Mints subordinate to this Presidency.
Act No. XVII of 1835 ...	Gold and Silver Coinage.
Act No. XIII of 1862 ...	An Act to provide for a new Silver and a new Copper Coinage.

ACT XXIV OF 1870.

(Received the assent of the Governor General on the 7th September 1870.)

AN ACT TO RELIEVE FROM INCUMBRANCES THE ESTATES OF TALUQDARS IN OUDH.

SECTION.

1. Short title.
2. Interpretation-clause.
3. Power to vest management of taluqdar's property in an officer appointed by Chief Commissioner.
4. Effect of order. Bar of suits against taluqdar. Taluqdar freed from arrest, and his moveable property from attachment for prior debts. Cessation of his power to alienate. Immoveable property freed from attachment.
5. Manager to receive rents and profits. And pay therefrom the Government demand, an annual sum for maintenance of the taluqdar and his heir, costs of repairs and improvements, costs of management, and the debts and liabilities.
6. Notice to claimants against taluqdar. Copies of notice to be exhibited.
7. Claim to contain full particulars. Documents to be given up. Entries in books. Exclusion of documents not produced.
8. Debt or liability not duly notified, to be barred. Provision for admission of claim within further period of nine months.

9. Determination of debts and liabilities.
10. Appeal.
11. Scheme for settlement of debts and liabilities. Power to return scheme for revision.
12. Restoration of taluqdar to his property. Revival of barred proceeding and debts.
13. Power to call for further particulars.
14. Power to summon witnesses and compel production of documents.
15. Power to administer oaths.
16. Investigation to be deemed a judicial proceeding. Statements of persons examined, to be evidence.
17. Manager to have powers of a taluqdar. Power to remove mortgagee in possession.
18. Power to lease.
19. Power to raise money by mortgage or sale. Manager's receipts.
20. Power to make rules.
21. Power to appoint new Managers.
22. Managers to be public servants.
23. Bar of suits.
24. Petitions, &c., under Act exempt from Court fees.
25. Saving of jurisdiction of Courts in Oudh in respect of certain suits.

WHEREAS many of the taluqdars of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title.

I. This Act may be called "The Oudh Taluqdars' Relief Act."

Interpretation clause.

II. In this Act, 'Chief Commissioner' means the Chief Commissioner of Oudh: 'taluqdar' means a person whose name is entered in the first of the lists mentioned in Oudh Estates' Act, 1869, section eight: 'heir' means the person for the time being entitled under the same Act as heir to a taluqdar.

II.—VESTING ORDER.

Power to vest management of taluqdar's property in an officer appointed by Chief Commissioner.

III. Whenever, within twelve months after the passing of this Act, any taluqdar, or (when such taluqdar is an infant, or of unsound mind, or an idiot) his guardian, committee, or other legal curator, or the person who would be heir to such taluqdar if he died intestate, or (when such person is an infant, or of unsound mind, or an idiot) his guardian, committee, or other legal curator, applies in writing to the Chief Commissioner, stating that the taluqdar is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due, or liabilities incurred, to Government, and requesting that the provisions of this Act be applied to his case, the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official Gazette, appoint an officer (hereinafter called the Manager), and vest in him the management of the immoveable property of or to which the taluqdar is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on the taluqdar or his heir during the continuance of such management.

Effect of order.

Bar of suits against taluqdar.

Taluqdar freed from arrest, and his moveable property from attachment for prior debts.

IV. On such publication, the following consequences shall ensue: *first*, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void: *secondly*, so long as such management continues, the taluqdar and his heir shall not be liable to arrest for or in respect of the debts and liabilities to which the taluqdar was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due, or liabilities incurred, to Government; nor shall their moveable property be liable to atttachment or sale, under process of any Civil Court in British India, for or in respect of such debts and liabilities other than as aforesaid;

Cessation of his power to alienate.

and *thirdly*, so long as such management continues, (*a*) the taluqdar and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof or to grant valid receipts for the rents and profits arising or accruing therefrom, and (*b*) such property shall be exempt from attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government.

Immoveable property freed from attachment.

III.—Duties of Manager.

Manager to receive rents and profits.

V. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall, upon receiving such rents and profits, give receipts for the same.

And pay therefrom he Government demand, an annual sum for m intenance of the taluqdar and his heir, costs of repairs and improvements, costs of management, and the debts and liabilities.

From the sums so received, he shall pay, *first*, the Government revenue, and all debts or liabilities for the time being due or incurred to Government in respect of the said property: *secondly*, such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdar, his heir and their families: *thirdly*, the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner: and the residue shall be applied in discharge, of the costs of the management, and in settlement of such debts and liabilities of the taluqdar and his heir and their immoveable property, as may be established under the provisions hereinafter contained.

IV.—Settlement of Debts.

Notice to claimants against taluqdar.

VI. On the publication of the order vesting in him the management of the said property, the Manager shall publish in the local official Gazette a notice in English and Urdù, calling upon all persons having claims against the taluqdar or his immoveable property to notify the same in writing to such Manager within three months from the date of the publication.

Copies of notice to be exhibited.

He shall also cause copies of such notice to be exhibited at the Tahsildars' Kachahris in the District or Districts in which the said property lies and at such other places as the Manager thinks fit.

Claim to contain full particulars.

VII. Every such claimant shall, along with his claim, present full particulars thereof.

Documents to be given up.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

Entries in books.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Exclusion of documents not produced.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimmant's behalf at the investigation of the case.

Debt or liability not duly notified, to be barred.

VIII. Every debt or liability (other than debts due, or liabilities incurred, to Government) to which the taluqdar is subject, or with which his immoveable property or any part thereof is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred: Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

Provision for admission of claim within further period of nine months.

Determination of debts and liabilities.

IX. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdar and persons holding mortgages, charges or liens on the said property or any part thereof.

Appeal.

X. An appeal against any refusal, admission or determination under sections seven, eight or nine shall lie, if preferred within six weeks from the

date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager if no such appeal has been so preferred, shall be final.

Scheme for settlement of debts and liabilities.

XI. When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner a schedule of such debts and liabilities, and, scheme for the settlement thereof; and such scheme, when approved by the Chief Commissioner, shall be carried into effect. Until such approval is given, the Chief Commissioner may, as often as he thinks fit, send back such scheme to the Manager for revision, and direct him to make such further enquiry as may be requisite for the proper preparation of the scheme.

Power to return scheme for revision.

Restoration of taluqdar to his property.

XII. When all such debts and liabilities have been discharged, or if, within six months after the publication of the order mentioned in section three, the Chief Commissioner thinks that the provisions of this Act should not continue to apply to the case of the taluqdar or his heir, the taluqdar or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as has not been sold by the Manager under the power contained in section nineteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Revival of barred proceedings and debts.

Where the taluqdar or his heir is so restored under the circumstances mentioned in the second clause of this section, the proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities not settled by the Manager), and the debts and liabilities barred by section eight, shall be revived, and any mortgagee dispossessed under section seventeen shall be reinstated unless his claim under the mortgage has been satisfied; and in calculating the periods of limitation applicable to such revived proceedings and to suits to recover and enforce such revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section three shall be excluded.

V.—Powers of Manager.

Power to call for further particulars.

XIII. The Manager may, from time to time, call for further and more detailed particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

Power to summon witnesses and compel production of documents.

XIV. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

Power to administer oaths.

XV. The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

Investigation to be deemed a judicial proceeding.

XVI. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code. And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

Statements of persons examined to be evidence.

Manger to have powers of a taluqdar.

XVII. The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as the taluqdár would have had for such purpose if this Act had not been passed. And if such property, or any part thereof, be in the possession of any mortgagee, the Manager may apply to the Court of the Deputy Commissioner within whose jurisdiction the property is situate, and such

Power to remove mortgagee in possession.

Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour; but without prejudice to the mortgagee preferring his claim under the provisions hereinbefore contained.

Power to lease.

XVIII. Subject to the rules made under section twenty, the Manager shall have power to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed upon.

Power to raise money by mortgage or sale.

XIX. The Manager, with the previous assent of the Chief Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged, by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication, or by selling, with the previous consent of the taluqdár and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

Manager's receipts.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted or that no more than is wanted is raised. And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof. The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section three.

VI.—MISCELLANEOUS.

Power to make rules.

XX. The Chief Commissioner may, from time to time, make rules consistent with this Act in all matters connected with its enforcement. Such rules, when approved by the Governor General of India in Council, and published in the local official Gazette, shall have the force of law.

Power to appoint new Managers.

XXI. Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager. Every such new Manager shall have the same powers as if he had been originally appointed.

Managers to be public servants.

XXII. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

Bar of suits.

XXIII. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

Petitions, &c., under Act exempt from Court fees.

XXIV. No petition, application, memorandum of appeal or other proceeding under this Act, shall be chargeable under the Court Fees Act, 1870.

Saving of jurisdiction of Courts in Oudh in respect of certain suits.

XXV. Nothing in this Act precludes the Courts of the Province of Oudh, having jurisdiction in suits relating to the succession to or rights of persons claiming maintenance from any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits; but to all such suits the Manager of such property shall be made a party.

ACT XXV OF 1870.

(Received the assent of the Governor General on the 3rd October 1870).

AN ACT TO LEGALIZE THE LEVY OF CERTAIN DUTIES ON TIMBER IMPORTED INTO MAULMAIN.

1. Legalization of levy of duties.
2. Indemnity-clause.

WHEREAS certain duties were in the years 1864 and 1865 levied on foreign timber imported into Maulmain by the River Salween, and whereas

doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows:—

Legalization of levy duties.

I. All duties levied between the first day of July 1864 and the second day of August 1865 (both inclusive) on foreign timber imported into Maulmain by the River Salween, shall be deemed to have been levied in accordance with law.

Indemnity-clause

II. All officers and other persons hereby indemnified for anything done before the passing of this Act which might lawfully have been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

ACT XXVI OF 1870.

(Received the assent of the Governor General on the 3rd October 1870).

THE PRISONS' ACT, 1870.

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AN ACT TO AMEND THE LAW RELATING TO PRISONS.

WHEREAS it is expedient to amend the law relating to prisons in the North-Western Provinces, the Panjab, Oudh, the Central Provinces, and British Burma, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Prisons' Act, 1870."

Local extent.

It extends only to the territories respectively under the government of the Lieutenant Governors of the North-Western Provinces and the Panjab, and under the administration of the Chief Commissioners of Oudh, the

Central Provinces and British Burma. And it shall come into force on the first day of December 1870. Commencement of Act.

II. On and after that day the enactments mentioned in the schedule to this Act annexed shall be repealed to the extent specified in the third column of the said schedule. Repeal of enactments.

III. In this Act—"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison; "criminal prisoner" means any prisoner charged with or convicted of a crime; and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail. Interpretation clause. "Prison." "Criminal prisoner." "Civil prisoner."

CHAPTER II.

Maintenance and Officers of Prisons.

IV. The Local Government shall provide for the prisoners in the territories under such Government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners. Local Government to provide prison accommodation.

V. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison. Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison. Temporary shelter of prisoners.

VI. An Inspector General of Prisons shall be appointed in the North-Western Provinces by the Local Government, in the Panjáb by the Local Government, and in Oudh, the Central Provinces and British Burma, by the Governor General in Council. In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situated in the territories under such Government. Inspector General of Prisons.

VII. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Gaoler and such subordinate officers as the Local Government thinks necessary. Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a Deputy Medical Officer and a Deputy Gaoler. Officers of prison.

VIII. The Local Government shall appoint the Superintendent and the Medical Officer and the Deputy Medical Officer. The Superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the Gaoler and Deputy Gaoler. The Superintendent shall also appoint the subordinate officers. Appointment of Officers.

IX. Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him: provided that no Gaoler or Deputy Gaoler shall be dismissed without the consent of the Inspector General of Prisons. Salaries, suspension and dismissal of officers.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

CHAPTER III.

Duties of Officers.

Generally.

X. All officers of a prison shall obey the directions of the Superintendent; all subordinate officers shall perform such duties as may be directed Officers to obey Superintendent.

by the Gaoler with the sanction of the Superintendent ; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

Officers not to sell or let to prisoners.

XI. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner.

Officers not to contract with prisoners ; nor to benefit by sales.

XII. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison : nor, except so far as is expressly allowed by rules made under section fifty-four, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Duties of Superintendent.

XIII. Subject to the orders of the Inspector General of Prisons, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control; correspond on all matters connected with the prison with and through the Inspector General ; submit to the Inspector General all bills of prison expenditure with proper vouchers for audit ; report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease ; send to the Inspector General returns of all prisoners sentenced to transportation ; periodically inspect all property of the Government in his charge, and report thereon to the Inspector General ; and, generally, obey all rules made under section fifty-four for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

Medical Officers.

Power to make rules as to Medical Officer's duties.

XIV. The Local Government shall make rules as to each of the following matters :—How often the Medical Officer shall visit the prison and see each prisoner ; the records to be made respecting sick prisoners ; periodical inspection of every part of the prison ; report on its cleanliness, drainage, warmth and ventilation ; reports on the provisions, water, clothing and bedding supplied to the prisoners. The Medical Officer shall obey such rules.

Medical Officer to obey such rules.

To report special cases.

XV. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such directions as the Medical Officer thinks proper.

To make entries as to death of prisoners.

XVI. On the death of any prisoner, the Medical Officer shall forthwith record in writing the following particulars, namely, when the deceased was taken ill, when the Medical Officer was first informed of the illness, the nature of the disease, when the prisoner died, and (in cases where a *post mortem* examination is made) an account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required.

Deputy Medical Officer.

XVII. Where a Deputy Medical Officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the Medical Officer. When there is no Deputy Medical Officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a Subordinate Medical Officer to act as a substitute for the Medical Officer, and the Subordinate Medical Officer so appointed shall perform all the duties of the Medical Officer.

Subordinate Medical Officer.

Gaoler.

Residence of Gaoler.

XVIII. The Gaoler shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere. The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

To deliver list of prisoners confined in punishment-cells.

XIX. The Gaoler shall deliver to the Medical Officer daily a list of such prisoners as are confined in punishment-cells.

To give notice of death of prisoners.

XX. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent.

To keep enumerated books and accounts.

XXI. The Gaoler shall keep, or cause to be kept, the following records: —(1). A register of warrants; (2), a book showing when each prisoner is to be released; (3) a punishment-book for the entry of the punishments inflicted for prison-offences; (4), a visitor's book for the entry of any observations made by visitors to the prison; (5), a record of the money and other articles taken from prisoners; and all such other records as may be prescribed by rules made under section fifty-four.

Responsible for safe custody of documents.

XXII. The Gaoler shall be responsible for the safe custody of the records to be kept by him under section twenty-one, and also for the commitments and all other documents confided to his care.

Not to be absent without leave.

XXIII. The Gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent; but if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the Superintendent.

Deputy Gaoler.

XXIV. Where a Deputy Gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section fifty-four to be performed by the Gaoler.

Where there is no Deputy Gaoler, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the Gaoler.

Subordinate Officers.

Powers of Gate-Porter.

XXV. The officer acting as Gate-Porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the Gaoler.

Subordinate officers not to be absent without leave.

XXVI. Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

Prisoners to be searched on entrance.

XXVII. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Medical examination of criminal prisoners.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the Medical Officer, who shall enter in a book, to be kept by the Gaoler, a record of the state of the prisoner's health, and any observations which the Medical Officer thinks fit to add.

Effects of criminal prisoners retained.

XXVIII. All money or other effects in respect whereof no order of a competent court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler.

Medical examination before removal and discharge of prisoners.

XXIX. All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer. No prisoner shall be removed to any other prison unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal. No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

Discipline of Prisoners.

Requisitions of Act as to separation of prisoners.

XXX. The requisitions of this Act, with respect to the separation of prisoners, are as follows:—(1.)—In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing, or holding any intercourse with the men. (2.)—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners. (3.)—Criminal prisoners before trial shall be kept apart from convicted prisoners. (4.)—Civil prisoners shall be kept apart from criminal prisoners.

Rules as to separate confinement.

XXXI. The Local Government shall have power to make rules—(1), as to what cells only shall be used for the separate confinement of prisoners; (2) as to the time during which prisoners not guilty of offences against prison rules may be confined separately.

Cells to be furnished with means of communication.

XXXII. No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Prisoners under sentence of death.

XXXIII. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Gaoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

CHAPTER VI.

Food, Clothing and Bedding of Prisoners.

Civil prisoner may maintain himself.

XXXIV. A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding, or other necessaries but subject to examination and to such rules as may be approved by the Inspector General.

Civil prisoner not to sell provisions.

XXXV. No part of any food, clothing, bedding or other necessaries belonging to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Allowance of clothing and bedding.

XXXVI. Every civil prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

Judgment-creditor to defray such allowance.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

CHAPTER VII.

Employment of Prisoners.

Work and earnings of civil prisoners.

XXXVII. Civil prisoners may, with the Superintendent's permission, work and follow their respective trades and professions.

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Examination by Medical Officer of labouring prisoners.

XXXVIII. The Medical Officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the Medical Officer certifies that he is fit for such employment.

But if the Medical Officer certifies that such prisoner may, without detriment to his health, be employed on some lighter kind of labour, it shall be lawful for the Gaoler so to employ him.

Employment of prisoners sentenced to simple imprisonment.

XXXIX. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

CHAPTER VIII.

Health of Prisoners.

Names of sick prisoners to be reported to Gaoler.

XL. The names of prisoners desiring to see the Medical Officer or appearing out of health in mind or body shall be reported by the officer attending them to the Gaoler.

Gaoler to report them to Medical Officer.

The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect the Medical Officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

Entry of directions by Medical Officer.

XLI. All directions given by the Medical Officer in relation to any prisoner, with the exception of the orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Gaoler, stating, in respect of each direction, the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler thinks fit to make, and the date of the entry.

Infirmaries.

XLII. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

Visits to and Correspondence of Prisoners.

Visits to prisoners.

XLIII. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons, with whom prisoners before trial may desire to communicate. The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

Correspondence of prisoners.

Power of Gaoler as to visitors.

XLIV. The Gaoler may demand the name and address of any visitor to a prisoner; and, when the Gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

In case of any such visitor refusing to be searched, the Gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

CHAPTER X.

Offences in Relation to Prisons.

Carrying liquor, tobacco or drugs into prison, suffering liquor, tobacco or drugs to be sold or used in prison, carrying letters into and out of prison, abetment of such offences.

XLV. Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce into any prison, or any place provided under section five for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug, and every officer of a prison who knowingly suffers any such liquor, tobacco, or drug, to be sold or used in such prison or place contrary to such regulations, and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison or place, and whoever abets within the meaning of the Indian Penal Code any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months or to fine not exceeding two hundred rupees or to both.

Notice of penalties to be placed outside prison.

XLVI. The Superintendent shall cause to be affixed in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section forty-five.

CHAPTER XI.

Prison Offences.

List of prison offences.

XLVII. The following acts are declared to be offences against prison discipline:—(1), wilful disobedience to the regulations of the prison by any prisoner; (2), assaults or use of criminal force by any prisoner; (3), insulting or threatening language by any prisoner to any officer or prisoner; (4), indecent or disorderly behaviour by any prisoner; (5), wilfully disabling himself from labour; (6), contumaciously refusing to work; (7), filing or cutting irons or bars; (8), idleness or negligence at work by any convicted criminal prisoner; (9), wilful mismanagement of work by any convicted criminal prisoner; (10), wilful damage to prison property; (11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Superintendent's power to punish prison offenders.

XLVIII. The Superintendent may examine any person touching such offences, and determine thereupon, and punish such offences—(1), by imprisoning the offender in solitary confinement for any time not exceeding seven days; (2), by ordering the offender for any time not exceeding three days, to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe; (3), by corporal punishment not exceeding thirty stripes of a rattan; or (4), where the offender is not sentenced to rigorous imprisonment, by hard labour, for any time not exceeding seven days.

The Gaoler shall enter in a separate book, called the punishment book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of offence, and the amount of punishment inflicted. Such statement shall be signed by the Superintendent.

Punishment of prisoners by Magistrate.

XLIX. If any prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent thinks is not adequately punishable under section forty-eight, the Superintendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District. Such Magistrate shall have power

to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished by confinement in a punishment-cell or in irons for any term not exceeding six months, or by corporal punishment not exceeding thirty stripes of a ratan, or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment. Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

Corporal punishment.

L. All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Penalty on officer ill-treating prisoners or violating rules.

LI. Every Gaoler and subordinate officer of a prison ill treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section fifty-four, shall be liable, on conviction before the Superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the Superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both. Any fine imposed by the Superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines. No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

LII. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the Superintendent may so confine them.

Confinement in irons by Gaoler of his own authority.

LIII. Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, and notice thereof shall be forthwith given to the Superintendent. Except, in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

Power to make supplementary prison rules.

LIV. The Local Government may, from time to time, make rules consistent with this Act—(1), for the government of prisons and for the guidance of all officers appointed hereunder (2), as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon; (3), as to the food and clothing of criminal prisoners; (4), for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts; (5), for remission of sentences; (6), for rewards for good conduct; and (7), for the appointment and guidance of visitors of prisons. Copies of such rules, so far as they affect the Government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

Present rules.

LV. All rules now in force relating to any of the matters mentioned in sections fourteen, thirty-one, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

Exercise of powers of Superintendent.

LVI. All or any of the powers and duties conferred and imposed by this Act on a Superintendent may be exercised and performed by such other officer as the Local Government from time to time appoint in this behalf.

SCHEDULE.

Number and year.	Title.	Extent of repeal.
Bengal Regulation XIV of 1816.	To provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Prisoners employed on the Public Roads or other Public works: also to place the Jail at Allipore, in the Vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its immediate Dependencies.	So much as has not been repealed.
Bengal Regulation XVII of 1816.	For the occasional Revision of the regular Police and Jail Establishments; for the due Support and Regulation of the Establishments of Chokeedars; for amending the Rules in Force for the Appointment and Removal of Police Officers; for modifying the Constitution of the Offices of the Superintendents of Police; and for for reducing the Miscellaneous Business of Courts of Circuit, and Court of Nizamut Adawlut.	Sections fourteen and eighteen.
Bengal Regulation III of 1826.	For extending to Dewanny Prisoners some of the Provisions in Regulation XIV, 1816, and for modifying the Rule contained in Section III, Regulation IV, 1816.	The whole.
Bengal Regulation IV of 1833.	To provide more effectually for the Management of Convicts sentenced to Labour and employed on the Roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those Officers to maintain good Order and Discipline among the Convicts and their Guards.	The whole.
Bengal Regulation II of 1834.	For abolishing Corporal Punishment; for substituting a Fine in certain cases for a Sentence of Labour; and for the gradual introduction of a better System of Prison Discipline.	So much as has not been repealed.
Act No. XVIII of 1844.	For the better Control and Management of Gaols within the Bengal Presidency.	The whole.

ACT XXVII OF 1870.

(Received the assent of the Governor General on the 25th November 1870)

AN ACT TO AMEND THE INDIAN PENAL CODE.

1 Liability for act done by several persons in furtherance of common intention.
2. Offence.
3. Proviso as to sentence for term exceeding ten years, but not for life.
4. Conspiracy to commit offences punishable by section 121.
5. Exciting disaffection.
6. Addition to section 131.
7. Amendment of sections 194 and 195.
8. Amendment of sections 222 and 223.
9. Escape from custody for failing to furnish security.
10. Keeping lottery-office.
11. Attempts by life-convicts.
12. Causing death by negligence.
13. Application of certain chapters of Penal Code.
14. Order of Local Government necessary to prosecution under section 121A, 144A, or 294A.
15. Saving of special and local laws.
16. Schedule I to be part of schedule to Criminal Procedure Code.
17. Repeal of enactments.

For the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

I. For section thirty-four of the said Code, the following section shall be substituted:—

Liability for act done by several persons in furtherance of common intention.

"34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone."

II. For section forty of the said Code, the following section shall be substituted.

Offence.

"40. Except in the chapter and sections mentioned in clauses 2 and 3 of this section, the word 'offence' denotes a thing made punishable by this Code.

"In chapter IV and in the following sections, namely, sections 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389, and 445, the word 'offence' denotes a thing punishable under this Code, or under any special or local law as hereinafter defined:

"And in sections 141, 176, 177, 201, 202, 212, 216, and 441, the word 'offence' has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine."

III. Section fifty-six of the said Code shall be read as if the following proviso were added thereto:—

Proviso as to sentence for term exceeding ten years, but not for life.

"Provided that, where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years, but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life."

IV.—After section one hundred and twenty-one of the said Code, the following section shall be inserted:—

Conspiracy to commit offences punishable by section 121.

"121 A. Whoever within or without British India conspires to commit any of the offences punishable by section one hundred and twenty-one, or to deprive the Queen of the sovereignty of British India or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or any Local Government, shall be punished with transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years.

"*Explanation.*—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof."

V. After section one hundred and twenty-four of the said Code, the following section shall be inserted :—

Exciting disaffection.

"124A. Whoever by words, either spoken or intended to be read, or by signs, or by visible representation, or otherwise, excites or attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

"*Explanation.*—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause."

Addition to section 131.

VI. Section one hundred and thirty-one of the said Code shall be read as if the following Explanation were added thereto.

"*Explanation.*—In this section the words 'officer' and 'soldier' include any person subject to the Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. V of 1869."

Amendment of sections 194 and 195.

VII. Sections one hundred and ninety-four and one hundred and ninety-five of the said Code shall be read as if, after the words 'by this Code,' the words 'or the law of England' were inserted.

Amendment of sections 222 and 223.

VIII. Sections two hundred and twenty-two and two hundred and twenty-three of the said Code shall be construed as if, after the word 'offence,' the following words were inserted (that is to say), "or lawfully committed to custody;" and section two hundred and twenty-two of the said Code shall be construed as if the following words were added thereto (that is to say), "or if the person was lawfully committed to custody."

IX. After section two hundred and twenty-five of the said Code, the following section shall be inserted :—

Escape from custody for failing to furnish security.

"225A. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing, under the Code of Criminal Procedure, to furnish security for good behaviour, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

X. After section two hundred and ninety-four, and before Chapter XV of the Indian Penal Code, the following section shall be inserted :—

Keeping lottery-office.

"294A. "Whoever keeps any office or place for the purpose of drawing any lottery not authorised by Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, or any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to one thousand rupees."

XI. Section three hundred and seven of the said Code shall be read as if the following clause were added thereto :—

Attempts by life-convicts.

"When any person offending under this section is under sentence of transportation for life, he may, if hurt is caused, be punished with death."

XII. After section three hundred and four of the same Code, the following section shall be inserted :—

"304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Causing death by negligence.

XIII. The following chapters of the same Code, namely, IV (*General Exceptions*,) V. (*Of Abetment*,) and XXIII. (*Of Attempts to commit Offences*) shall apply to offences punishable under the said sections 121A, 294A and 304A, and the said Chapters IV. and V. shall apply to offences punishable under the said sections 124A and 225A. Application of certain chapters of Penal Code.

XIV. No charge of an offence punishable under any of the said sections 121A, 124A and 294A, shall be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Local Government. Order to local Government necessary to prosecution under section 121A, 124A, or 294A.

XV. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law. Saving of special and local laws.

XVI. The first schedule hereto annexed shall be deemed to be part of the schedule to the Code of Criminal Procedure. Schedule I to be part of schedule to Criminal Procedure Code.

XVII. The enactments mentioned in the second schedule hereto annexed are repealed to the extent specified therein. Repeal of enactments.

THE FIRST SCHEDULE.

Section.	Offence.	Whether Police may arrest without warrant or not.	Whether warrant or summons shall originally issue in first instance.	Whether bailable or not.	Punishment under the India Penal Code.	By what Court triable.
121 A.	Conspiring to commit certain offences against the State.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Court of Session.
124 A	Exciting or attempting to excite, disaffection.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Court of Session.
225 A.	Escape, or attempt to escape, from custodn for failing to furnish security for good behaviour.	May arrest without warrant.	Warrant ...	Bailable.	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the First Class.
291 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons ...	Bailable.	Imprisonment of either description for six months or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Fine of one thousand rupees.	Any Magistrate.
304 A.	Causing death by negligence.	May arrest without warrant.	Warrant ...	Bailable.	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.

THE SECOND SCHEDULE.

Number and year.	Title.	Extent of repeal.
Statute 9 Geo. IV, Cap. seventy-four.	An Act for improving the administration of criminal justice in the *East Indies*.	The whole Act, except sections one to ten (inclusive), thirteen, fourteen, fifteen, twenty-one, twenty-three, to twenty-six (inclusive,) thirty-six, thirty-seven, fifty-one, fifty-two, fifty-six, and one hundred and ten.
Act No. V of 1844 ...	An Act for the supression of all lotteries not authorized by Government.	The whole.
Act No. IV of 1867. ...	An Act to enlarge the meaning of the word 'offence' in certain sections of the Indian Penal Code, and for other purposes.	The whole.

ACT XXVIII OF 1870.

(Received the assent of the Governor General on the 16th December 1870.)

AN ACT TO AUTHORISE THE COMMITTAL OF EUROPEAN BRITISH SUBJECTS BY COURTS IN THE ANDAMANS TO THE HIGH COURT AT FORT WILLIAM.

1. European British subject charged in the Andamans with certain offences to be committed to the High Court, Fort William.
2. Act XXI of 1863, section forty-one, repealed as to the Andamans.

WHEREAS Act No. XXI of 1863, *(to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns)*, section forty-one, enacts that European British subjects arrested for or guily of, certain offences in the Tenasserim Provinces shall be committed to, and tried by, the Recorder at Maulmain; and whereas the Andaman Islands form part of the said Provinces; And whereas it is expedient that the jurisdiction so given to the Recorder at Maulmain should, so far as regards the said Islands, be transferred to the High Court of Judicature at Fort William; It is hereby enacted as follows:—

European British subject charged in the Andamans with certain offences to be committed to the High Court, Fort William.

I. Every European British subject charged in the Andaman Islands with any offence which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for committing him for trial, be committed to, and tried by, the said High Court in the exercise of its ordinary original criminal jurisdiction.

Act XXI of 1863, section forty-one, repealed as to the Andamans.

II. Act No. XXI of 1863, section forty-one, so far as it relates to the Andaman Islands, is hereby repealed.

ACT I OF 1871.

(*Received the assent of the Governor General on the 13th January* 1871).

THE CATTLE-TRESPASS ACT, 1871.

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AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO TRESPASSES BY CATTLE.

WHEREAS it is expedient to consolidate and amend the law relating to trespasses by cattle; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title. Local extent. Commencement of Act.

I. This Act may be called 'The Cattle-trespass Act, 1871.' It extends to the whole of British India except the Presidency Towns and such districts or tracts of country as the Local Government, with the sanction of the Governor General in Council, may exclude from its operation. And it shall come into force on the passing thereof.

Repeal of Acts. Reference to repealed Acts.

II. The Acts mentioned in the schedule hereto annexed are repealed. References to any of the said Acts in Acts passed subsequently thereto shall be read as if made to this Act. All pounds established, pound-keepers appointed and villages determined, under Act No. III of 1857 (*relating to trespasses by Cattle*), shall be deemed to be, respectively, established, appointed and determined under this Act.

Interpretation clause.

III. In this Act, 'Officer of Police' includes also Village Watchmen, and 'Cattle' includes also elephants, camels, buffalos, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, and kids.

CHAPTER II.

POUNDS AND POUND-KEEPERS.

Establishment of pounds.

IV. Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the Local Government, from time to time directs. The villages by which every pound is to be used shall be determined by the Magistrate of the District.

Control of pounds. Rates of charge for feeding impounded cattle.

V. The pounds shall be under the control of the Magistrate of the District; and he shall fix, and may from time to time alter, the rates of charge for feeding and watering impounded cattle.

Appointment of pound-keeper. *Ex officio* pound-keepers in Madras and Bombay.

VI. The Magistrate of the District shall also appoint for each pound a pound-keeper: Provided that, in the Presidency of Fort St. George, the heads of villages, and in the Presidency of Bombay, the police patils, or (where there are no police patils) the heads of villages, shall be *ex-officio* the keepers of village-pounds.

Suspension or removal of pound-keepers. Every pound-keeper appointed by the Magistrate of the District may be suspended or removed by such Magistrate.

Pound-keepers may hold other offices. Any pound-keeper may hold simultaneously any other office under Government.

Pound-keepers to be 'public servants'. Every pound-keeper shall be deemed a public servant within the meaning of the Indian Penal Code.

Duties of Pound-keepers.

To keep registers and furnish returns. VII. Every pound-keeper shall keep such registers and furnish such returns as the Local Government from time to time directs.

To register seizures. VIII. When cattle are brought to a pound, the pound-keeper shall enter in his register, (*a*) the number and description of the animals, (*b*) the day and hour on and at which they were so brought, (*c*) the name and residence of the seizer, and (*d*) the name and residence of the owner, if known; and shall give the seizer or his agent a copy of the entry.

To take charge of and feed cattle. IX. The pound-keeper shall take charge of, feed and water the cattle until they are disposed of as hereinafter directed.

CHAPTER III.

Impounding Cattle.

Cattle damaging land. X. The cultivator or occupier of any land, or any person who has advanced cash for the cultivation of the crop or produce on any land, or the vendee or mortgagee of such crop or produce, or any part thereof, may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce theron, and take them or cause them to be taken without unnecessary delay to the pound established for the village in which the land is situate. All officers of police shall, when required, aid in preventing, (*a*) resistance to such seizures, and (*b*) rescues from persons making such seizures.

Police to aid seizures.

Cattle damaging public roads, canals and embankments. XI. Persons in charge of public roads, pleasure-grounds, plantations, canals, drainage-works, embankments and the like, and officers of police, may seize, or cause to be seized, any cattle doing damage to such roads, grounds, plantations, canals, drainage-works, embankments and the like, or the sides or slopes of such roads, canals drainage-works or embankments, or found straying thereon, and shall take them without unnecessary delay to the nearest pound.

Fines for cattle impounded. XII. For every head of cattle impounded as aforesaid, the pound-keeper shall levy a fine according to the following scale:—

Elephant	two rupees.
Camel or buffalo	eight annas
Horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	four annas.
Calf, ass, or pig	two annas.
Ram, ewe, sheep, lamb, goat or kid	one anna.

All fines so levied shall be sent to the Magistrate of the District through such officer as the Local Government from time to time directs.

List of fines and charges for feeding. A list of the fines and of the rates of charge for feeding and watering cattle shall be stuck up in a conspicuous place on or near to every pound.

CHAPTER IV.

Delivery or Sale of Cattle.

Procedure when owner claims the cattle and pays fines and charges. XIII. If the owner of impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the fines and charges incurred in respect of such cattle. The owner or his agent on taking back the cattle, shall sign a receipt for them in the register kept by the pound-keeper.

Procedure if cattle be not claimed within a week.

XIV. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police-station, or to such other officer as the Magistrate of the District appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of his office a notice stating, (*a*) the number and description of the cattle, (*b*) the place where they were seized, (*c*) the place where they are impounded, and shall cause proclamation of the same to be made by beat of drum in the village and at the market-place nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said officer, or an officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time directs: Provided that if any such cattle are in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

Delivery to owner disputing legality of seizure but making deposit.

XV. If the owner or his agent appear and refuse to pay the said fines and expenses, on the ground that the seizure was illegal and that the owner is about to make a complaint under section twenty, then, upon deposit of the fines and charges incurred in respect of the cattle, the cattle shall be delivered to him.

Procedure when owner refuses or omits to pay the fines and expenses.

XVI. If the owner or his agent appear, and refuse or omit to pay or (in the case mentioned in section fifteen) to deposit the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by such officer, at such place and time, and subject to such conditions as are referred to in section fourteen.

Deduction of fines and expenses.

The fines leviable and the expenses of feeding and watering, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

Delivery of unsold cattle and balance of proceeds.

The remaining cattle and the balance of the purchase-money, if any, shall be delivered to the owner or his agent, together with an account showing, (*a*) the number of cattle seized, (*b*) the time during which they have been impounded, (*c*) the amount of fines and charges incurred, (*d*) the number of cattle sold, (*e*) the proceeds of sale, and (*f*) the manner in which those proceeds have been disposed of.

Receipt.

The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of purchase-money (if any) paid to him according to such account.

Disposal of fines, expenses and surplus proceeds of sale.

XVII. The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted. The charges for feeding and watering deducted under section sixteen shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under section thirteen. The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months, and, if no claim thereto be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

Application of fines and unclaimed proceeds of sales.

XVIII. Out of the sums received on account of fines and the unclaimed proceeds of the sale of cattle, shall be paid, (*a*) the salaries allowed to pound-keepers under the orders of the Local Government, (*b*) the expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act; and the surplus (if any) shall be applied, under orders of the Local Government, to the construction and repair of roads and bridges and to other purpose of public utility.

Officers and pound keepers not to purchase cattle at sales under Act.

XIX. No officer of police, or other officer or pound-keeper appointed under the provisions herein contained shall, directly or indirectly, purchase any cattle at a sale under this Act.

Pound-keepers when not to release impounded cattle.

No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the former part of this Chapter, unless such release or delivery is ordered by a Magistrate or Civil Court.

CHAPTER IV.

Complaints of Illegal Seizures.

Power to make complaints.

XX. Any person whose cattle have been seized and detained under this Act may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the District, or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

Procedure on complaint.

XXI. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well-founded, he shall summon the person complained against, and make an enquiry into the case.

Compensation for illegal seizure.

XXII. If the seizure be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure and detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle; and if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure.

Release of cattle.

Recovery of compensation.

XXIII. The compensation, fines and expenses mentioned in section twenty-two may be recovered as if they were fines imposed by the Magistrate.

CHAPTER VI.

Penalties.

Penalty for forcibly opposing the seizure of cattle or rescuing the same.

XXIV. Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever rescues the same after seizure, either from a pound, or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Act, shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

Recovery of penalty for mischief committed by causing cattle to trespass.

XXV. Any fine imposed for the offence of mischief by causing cattle to trespass on any land may be recoverd by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

Penalty for damage caused to land or crops or public roads by pigs.

XXVI. Any owner or keeper of pigs who, through neglect or otherwise, damages or causes or permits to be damaged any land or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees.

Penalty on pound-keeper failing to perform duties.

XXVII. Any pound-keeper releasing or purchasing or delivering cattle contrary to the provisions of section nineteen, or omitting to provide any impounded cattle with sufficient food and water, or failing to perform any of the other duties imposed upon him by this Act, shall, over and above any other penalty to which he may be liable, be punished, on conviction before a Magistrate, with fine not exceeding fifty rupees.

Such fines may be recovered by deductions from the pound-keeper's salary.

Application of fines recovered under section 25, 26, or 27.

XXVIII. All fines recovered under section twenty-five, section twenty-six or section twenty-seven may be appropriated in whole or in part as compensation for loss or damage proved to the satisfaction of the convicting Magistrate.

CHAPTER VII.

SUITS FOR COMPENSATION.

Saving of right to sue for compensation.

XXIX. Nothing herein contained prohibits any person whose crops or other produce of land have been damaged by trespass of cattle, from suing for compensation in any competent Court.

Set-off.

XXX. Any compensation paid to such person under this Act by order of the convicting Magistrate, shall be set-off and deducted from any sum claimed by or awarded to him as compensation in such suit.

SCHEDULE.

(Referred to in Section 2.)

Number and year.	Title of Act.
III of 1857 ...	An Act relating to trespasses by cattle.
V of 1860 ...	An Act to amend Act III of 1857 (relating to trespasses by cattle).
XXII of 1861 ...	An Act to amend Act III of 1857 (relating to trespasses by cattle).

ACT II OF 1870.

(THIS ACT APPLIES TO COORG ONLY.)

ACT III OF 1871.

(Received the assent of the Governor General on the 20th January 1871.)

THE INDIAN PAPER CURRENCY ACT, 1871.

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An Act to consolidate and amend the law relating to the Government Paper Currency.

Whereas it is expedient to consolidate and amend the law relating to the Government Paper Currency; It is hereby enacted as follows:—

I.—Preliminary.

Short title. Local extent. Commencement.

I. This Act may be called "The Indian Paper Currency Act, 1871;" it extends to the whole of British India; and it shall come into force on the passing thereof.

Acts repealed.

II. The Acts mentioned in the schedule hereto annexed are repealed. All appointments made, rules prescribed, circles of issue established, notifications published, and notes issued under any such Act shall be deemed to be respectively made, prescribed, established, published and issued under this Act.

II. The Department of Issue.

Functions of Department of Issue.

III. There shall continue to be a Department of the public service, to be called the Department of Issue, whose function shall be the issue of promissory notes of the Government of India payable to bearer on demand, for such sums, not being less than five rupees, as the Governor General in Council from time to time directs.

Head Commissioner. Commissioners at Madras and Bombay

IV. At the head of such Department shall be an officer called the Head Commissioner of the Department of Issue, and two other officers, called, respectively, the Commissioner of the Department of Issue at Madras and the Commissioner of the Department of Issue at Bombay.

Power to establish Circles of Issue.

V. The Governor General in Council may from time to time, by order published in the *Gazette of India*, establish Districts, to be called Circles of Issue, three of which circles shall include the Towns of Calcutta, Madras and Bombay, respectively, appoint in each circle some one town

to be the place of issue of notes, as hereinafter provided, establish in such town an Office or Offices of Issue, and declare that, for the purposes of this Act, any such town (other than Calcutta, Madras or Bombay) shall be deemed to be situate within such Presidency as is specified in the order.

Deputy Commissioners.

VI. For each Circle of Issue other than those which include the Towns of Calcutta, Madras and Bombay, there shall be an officer called the Deputy Commissioner of Issue.

Subordination of Commissioners and Deputy Commissioners.

VII. For the purposes of this Act, the Commissioners at Madras and Bombay shall be subordinate to the Head Commissioner: the Deputy Commissioners in the Presidency of Fort William in Bengal shall be subordinate to the Head Commissioner; and the Deputy Commissioner in the Presidencies of Fort St. George and Bombay shall be subordinate to the Commissioners of Madras and Bombay, respectivly.

Appointment, suspension, and removal of offices.

VIII. All officers under this Act shall be appointed, and may be suspended or removed, by the Governor General in Council.

III.—Supply and Issue of Currency Notes.

Head Commissioner to provide and distribute Currency notes.

IX. The Head Commissioner of Issue shall provide promissory notes of the Government of India payable to bearer on demand, of the denominations prescribed under this Act, and shall supply the Commissioners at Madras and Bombay, and the several Deputy Commissioners with such notes as they require for the purposes of this Act.

Notes where payable.

All such notes shall bear upon them the name of the town from which they are severally issued, and shall be payable only at the Office or Offices of Issue of such town and at the presidency town of the Presidency within which such town is situate.

Signatures to notes.

X. The name of the Head Commissioner, of either of the Commissioners, of a Deputy Commissioner, or of some other person authorized by the said Head Commissioner, or by either of the said Commissioners, to sign notes issued under this Act, shall be subscribed to every such note, and may be impressed thereon by machinery. Names so impressed shall be taken to be valid signatures.

Issue of notes for silver.

XI. The Head Commissioner, the Commissioners, and the Deputy Commissioners shall, in their respective Circles of Issue, on the demand of any person, issue from the Office or Offices of Issue established in their respective Circles, promissory notes of the Government of India payable to bearer on demand, of the denominations prescribed under this Act, on the terms following, (*a*) in exchange for the amount thereof in current silver coin of the Government of India, or, (*b*) in exchange for the amount thereof in silver bullion or foreign silver coin at the rate of nine hundred and seventy-nine rupees per one hundred and eighty thousand grains of silver fit for coinage and of the standard fineness prescribed by the Indian Coinage Act, 1870: Provided that in all places where there is no Mint of the Government of India, any such Head Commissioner, Commissioner, or Deputy Commissioner may refuse to issue notes in exchange for silver bullion or foreign coin under this section.

Proviso.

Issue of notes for gold.

XII. The Governor General in Council may from time to time, by order published in the *Gazette of India*, direct that notes to an extent to be specified in the order, not exceeding one-fourth of the total amount of issues represented by coin and bullion as herein provided, shall be issued at such Offices of Issue as are named in the order, in exchange for gold coin of full weight of the Government of India or for foreign gold coin or gold bullion, at the rates and according to the rules and conditions fixed by such order.

Expense of melting and assaying bullion received for notes.

XIII. The Head Commissioner, Commissioners, and Deputy Commissioners may require any bullion or foreign coin received under section eleven or section twelve to be melted and assayed. Any loss of weight

Loss of weight.

caused by such melting or assay shall be borne by the person tendering the bullion or coin.

Certificates for bullion.

XIV. Every person so tendering bullion or foreign coin and depositing it in any Office of Issue shall, after the expiration of the time necessary for melting and assaying the same, be entitled to receive therefor a certificate signed by the person authorized to issue the notes aforesaid. Such certificate shall, (*a*) acknowledge the receipt of such bullion or foreign coin, (*b*) state the amount of notes issued under this Act, or of such notes and cash, to which the holder is entitled in exchange for such bullion or coin, (*c*) state the interval on the expiration of which, if the certificate be presented to such office, the holder shall be entitled to receive such amount.

Contents of certificate,

Note where legal tender.

XV. Within any of the said Circles of Issue a note issued under this Act from any Office of Issue in such Circle, shall be a legal tender to the amount expressed in such note, in payment or on account of any revenue or other claim to the amount of five rupees and upwards due to the Government of India, any sum of five rupees and upwards due by the Government of India, or by any body corporate or person in British India: Provided that no such note shall be deemed to be a legal tender by the Government of India at any Office of Issue.

VI.—RESERVE.

Bullion received for notes to be kept as a reserve. Except amount fixed as minimum limit of circulation.

XVI. The whole amount of the coin and bullion received under this Act for notes shall be retained and secured as a reserve to pay such notes, with the exception of such an amount, not exceeding sixty millions of rupees, as the Governor General in Council, with the consent of the Secretary of State for India, from time to time fixes.

Investment of such amount.

XVII. The amount so fixed shall be published in the *Gazette of India*, and the whole or such part thereof as the Governor General in Council from time to time fixes shall be invested in securities of the Government of India: the said coin, bullion and securities shall be appropriated and set apart to provide for the satisfaction and discharge of the said notes; and the said notes shall be deemed to have been issued on the security of such coin, bullion and securities as well as on the general credit of the Government: Provided that any silver bullion or foreign coin received under this Act may be sold or exchanged for silver coin of the Government of India, and that any gold coin or bullion received under this Act may be sold or exchanged for silver coin or bullion to be so appropriated and set apart instead of the gold coin or bullion. For the purposes of this section, silver bullion and coin shall be rated at ninety-eight rupees per eighteen thousand grains of standard fineness, and gold bullion and coin at the rates fixed by the Governor General in Council under section twelve.

Appropriation of coin, bullion, and securities.

Sale or exchange of bullion and foreign coin.

Trustees of securities purchased under Act.

XVIII. The Government securities so purchased shall be held by the Head Commissioner and the Master of the Mint at Calcutta in trust for the Secretary of State for India in Council.

Power to sell such securities.

XIX. The Head Commissioner may, at any time when ordered so to do by the Governor General in Council, sell and dispose of any portion of the abovementioned limited amount of Government securities.

Power to replace them.

For the purpose of effecting such sales, the Master of the Mint at Calcutta shall, on a request in writing from the Head Commissioner, at all times sign and endorse such Government securities, and the said Head Commissioner, if so directed by the Governor General of India in Council, may purchase Government securities to replace such sales.

Interest on such securities to be entered in a separate account.

XX. The interest accruing due on the securities purchased and held under this Act shall be entered in a separate account, to be annually rendered by the Head Commissioner to the Governor General in Council. The amount of such interest shall from time to time, as it becomes due, be paid to the credit of the Government of India, under the head of "Profits of

Notes Circulation," and an account showing the amount of such profits and of the charges and expenses incidental thereto, shall be made up and published annually in the *Gazette of India*. "Profits of Notes Circulation." Annual account.

V.—PRIVATE BILLS PAYABLE TO BEARER ON DEMAND.

XXI. No body corporate or person in British India shall draw, accept, make or issue any bill of exchange, hundí, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the bills, hundís or notes payable to bearer on demand, of any such body corporate or of any such person: Provided that cheques or drafts payable to bearer on demand or otherwise, may be drawn on bankers, shroffs, or agents, by their customers or constituents, in respect of deposits of money in the hands of such bankers, shroffs, or agents, and held by them at the credit and disposal of the persons drawing such cheques or drafts. Prohibition of issue of private bills or notes payable to bearer on demand. Exception in favour of cheques.

XXII. Any body corporate or person committing any offence under section twenty-one shall, on conviction before a Magistrate of Police or a person exercising the full powers of a Magistrate, be punished with a fine equal to the amount of the bill, hundí, note or engagement in respect whereof the offence is committed. Penalty for issuing such bills or notes.

Every prosecution under this section shall be instituted by the Head Commissioner, Commissoner or Deputy Commissioner, as the case may be, of the Circle of Issue in which such bill, hundi, note or engagement is drawn, accepted, made or issued. Prosecutions.

All fines imposed under this section may be recovered, if for offences committed outside the local limits of the presidency towns, in the manner prescribed by the Code of Criminal Procedure, and, if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of those towns in force for the time being. Recovery of fines.

VI.—MISCELLANEOUS.

XXIII. An abstract of the accounts of the Department of Issue showing, (*a*) the whole amount of notes in circulation, (*c*) the amount of coin and bullion reserved, distinguishing gold from silver, and (*e*) the amount of the Government securities held by the said Department, shall be made up monthly in Calcutta, and published as soon as may be in the *Gazette of India*. Monthly abstracts of accounts.

XXIV. All notes issued under this Act shall be deemed to be promissory notes of the Government of India, and may be described as promissory notes of the Government of India in all indictments, and in criminal and civil proceedings. Description of notes in indictments.

XXV. The Governor General in Council may from time to time, by notification in the *Gazette of India*, (1) fix the amounts (not being less than five rupees) for which notes shall be issued under this Act; (2) alter the limits of any of the said Circles of Issue; (3) declare the places at which notes shall be issued under this Act; (4) fix the rates, rules and conditions at and according to which gold may be taken in exchange for Government promissory notes issued under this Act; (5) fix the charge for melting and assaying bullion and foreign coin received for such notes; (6) fix the interval on the expiration of which holders of certificates under section fourteen shall be entitled to receive such notes; (7) regulate any matters relative to Paper Currency which are not provided for by this Act; (8) revoke or alter any notification previously made under this Act. Supplementary powers of the Government of India.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act: Provided that no notification under clause 4 of this section shall have effect until six months have elapsed from the date of its appearance in the *Gazette of India*.

SCHEDULE.

(*Referred to in Section* 2.)

Number and year of Act.	Title.
XIX of 1861 ...	An Act to provide for a Government Paper Currency.
XXI of 1861 ...	An Act to enable the Banks of Bengal, Madras and Bombay to enter into arrangements with the Government for managing the issue, payment and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries.
I of 1866 ...	An Act to amend Act XIX of 1861 (to provide for a Government Paper Currency).
XXX of 1867 ...	An Act to amend Act XIX of 1861 (to provide for a Government Paper Currency).
XV of 1870 ...	An Act for the further amendment of Act No. XIX of 1861.

ACT IV OF 1871.

(*Received the assent of the Governor General on the 27th January* 1871.)

THE CORONERS' ACT, 1871.

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WHEREAS it is expedient to consolidate and amend the laws relating to Coroners in the Presidency Town; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Local extent. Commencement.

I. This Act may be called "The Coroners' Act, 1871:" it extends to the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay; and it shall come into force on the passing thereof.

Repeal of enactments.

II. The enactments mentioned in the first schedule hereto annexed are repealed to the extent specified in the third column of the said schedule.

CHAPTER II.

APPOINTMENT OF CORONERS.

Coroners of Calcutta, Madras and Bombay.

III. Within the local limits of the ordinary original civil jurisdiction of each of the said High Courts, there shall be a Coroner. Such Coroners shall be called, respectively, the Coroner of Calcutta, the Coroner of Madras and the Coroner of Bombay.

Their appointment, suspension and removal. Present Coroners.

IV. Every such officer shall be appointed and may be suspended or removed by the Local Government. Every person now holding such office shall be deemed to have been appointed under this Act.

Coroners to be 'public servants.'

V. Every Coroner shall be deemed a public servant within the meaning of the Indian Penal Code.

Power to hold other offices.

VI. Any Coroner may hold simultaneously any other office under Government.

Oath to be taken by Coroner.

VII. Every person hereafter appointed to the office of Coroner shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of his office.

CHAPTER III.

Duties and Powers of Coroners.

Jurisdiction to enquire into deaths.

VIII. When a Coroner is informed that the death of any person has been caused by accident, homicide, suicide or suddenly by means unknown, or that any person being a prisoner has died in prison, and that the body is lying within the place for which the Coroner is so appointed, the Coroner shall enquire into the cause of death. Every such enquiry shall be deemed a judicial proceeding within the meaning of section one hundred and ninety-three of the Indian Penal Code.

Coroner to be sent for when prisoner dies.

IX. Whenever a prisoner dies in a prison situate within the place for which a Coroner is so appointed, the Superintendent of the prison shall send for the Coroner before the body is buried. Any Superintendent failing herein shall on conviction before a Magistrate be punished with fine not exceeding five hundred rupees.

Nothing in the former part of this section applies to cases in which the death has been caused by cholera or other epidemic disease.

Power to hold inquests on bodies within local limits wherever cause of death occurred.

X. Whenever an inquest ought to be holden on any body lying dead within the local limits of the jurisdiction of any Coroner, he shall hold such inquest, whether or not the cause of death arose within his jurisdiction.

Power to order body to be disinterred.

XI. A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where the first was insufficient.

Summoning jury.

XII. On receiving notice of any death mentioned in section eight, the Coroner shall summon five, seven, nine, eleven, thirteen, or fifteen respectable persons to appear before him at a time and place to be specified in the summons, for the purpose of enquiring when, how, and by what means the deceased came by his death. Any inquest under this Act may be held on a Sunday.

Inquest may be on Sunday.

Opening Court.

XIII. When the time arrives, the Coroner shall proceed to the place so specified, open the Court by proclamation, and call over the names of the jurors.

Jurors to be sworn.

XIV. When a sufficient jury is in attendance, he shall administer an oath to each juror to give a true verdict according to the evidence, and shall then proceed with the jury to view the body.

View of body.

XV. The Coroner and the jury shall view and examine the body at the first sitting of the inquest, and the Coroner shall make such observations to the jury as the apearance of the body requires.

Proclamation for witnesses.

XVI. The Coroner shall then make proclamation for the attendance of witnesses, or, where the enquiry is conducted in secret, shall call in separately such as know anything concerning the death.

Summoning witnesses.

XVII. It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses, the Coroner shall enquire of such circumstances and the cause of the death; and if before or during the enquiry he is informed that any person can give evidence material thereto, may issue a summons requiring him to attend and give evidence on the inquest. Any person failing so to attend or give evidence shall be deemed to have committed an offence under section one hundred and seventy-four or one hundred and seventy-six of the Indian Penal Code, as the case may be. For the purpose of causing prisoners to

be brought up to give evidence, the Coroner shall be deemed a Criminal Court within the meaning of Act No. XV of 1869 (*to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them*).

Post mortem examinations

XVIII. The Coroner may direct the performance of a *post mortem* examination, with or without an analysis of the contents of the stomach or intestines, by any medical witness summoned to attend the inquest; and every medical witness, other than the Chemical Examiner to Government, shall be entitled to such reasonable remuneration as the Coroner thinks fit.

Fees to medical witnesses.

Evidence to be on oath.

Evidence on behalf of accused.

XIX. All evidence given under this Act shall be on oath, and the Coroner shall be bound to receive evidence on behalf of the party (if any) accused of causing the death of the deceased person.

Interpreter.

Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the questions put to, and the answers given by, the witnesses.

Questions suggested by jury.

After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions should be put, the Coroner shall put them accordingly.

Coroner to take down evidence in writing.

Witnesses to sign depositions.

Coroner to subscribe depositions.

XX. The Coroner shall commit to writing the material parts of the evidence given to the jury, and shall read or cause to be read over such parts to the witness and then procure his signature thereto. Any witness refusing so to sign shall be deemed to have committed an offence under section one hundred and eighty of the Indian Penal Code. Every such deposition shall be subscribed by the Coroner.

Adjournment of inquest.

Juror's recognizances.

XXI. The Coroner may adjourn the inquest from time to time, and from place to place. Whenever the inquest is adjourned the Coroner shall take the recognizances of jurors to attend at the time and place appointed, and notify to the witnesses when and where the inquest will be proceeded with. The amount of such recognizances shall in each case be fixed by the Coroner.

Coroner to sum up to jury.

XXII. When all the witnesses have been examined the Coroner shall sum up the evidence to the jury, and the jury shall then consider of their verdict.

Coroner to draw up inquisition.

XXIII. When the verdict is delivered the Coroner shall draw up the inquisition according to the finding of the jury, or, when the jury is not unanimous, according to the opinion of the majority.

Contents of inquisition.

XXIV. Every inquisition under this Act shall be signed by the Coroner with his name and style of office and by the jurors, and shall set forth (1) where, when, and before whom the inquisition is holden, (2) who the deceased is, (3) where his body lies, (4) the names of the jurors, and that they present the inquisition upon oath, (5) where, when, and by what means the deceased came by his death, and (6) if his death was occasioned by the criminal act of another, guilty thereof. If the name of the deceased be unknown, he may be described as a certain person to the jurors unknown. Every such inquisition shall be in the form set forth in the second schedule hereto annexed, with such variation as the circumstances of each case require.

Form of inquisition.

Procedure where verdict amounts to murder, culpable homicide, or killing by negligence.

Coroner to certify and deliver inquisition, depositions, and recognizances.

XXV. When the verdict is that the death has been caused by culpable homicide amounting to murder, or by culpable homicide not amounting to murder, or by a rash or negligent act not amounting to culpable homicide, the Coroner shall bind by recognizance any person knowing or declaring anything material touching such murder, homicide, or act, to appear at the next criminal sessions at which the trial is to be, then and there to prosecute or give evidence against the party charged. The Coroner shall certify and subscribe such recognizances, and shall, immediately after the

inquest, deliver them together with the inquisition and evidence, to the proper officer of the Court in which the trial is to be.

Warrant against person accused.

XXVI. The Coroner shall also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person accused and commit him to prison until he is thence discharged by due course of law, or, if he be already in prison, issue a detainer to the officer in charge of the jail in which he is.

Power to accept bail.

XXVII. In cases where the jury has found against any person a verdict of culpable homicide not amounting to murder, or of killing by a rash or negligent act not amounting to culpable homicide, the Coroner may, if he thinks fit, accept bail with sufficient sureties for the appearance of such person at the next criminal sessions, and thereupon such person, if in custody of any officer of the Coroner's Court, or in any gaol under a warrant of commitment issued by the Coroner, shall be discharged therefrom.

Warrant for burial.

XXVIII. When the proceedings are closed, or before, if it be necessary to adjourn the inquest, the Coroner shall give his warrant for the burial of the body on which the inquest has been taken.

Inquisitions not to be quashed for want of form.

Amendment of inquisition.

XXIX. No inquisition found upon or by any inquest shall be quashed for any technical defect. In any case of technical defect, a Judge of the High Court may, if he thinks fit, order the inquisition to be amended, and the same shall forthwith be amended accordingly.

Cessation of jurisdiction as to *felo de se* treasure trove, wrecks, &c.

XXX. It shall no longer be the duty of the Coroner to enquire whether any person dying by his own act was or was not *felo de se*, to enquire of treasure trove or wrecks, to seize any fugitive's goods, to execute process, or to exercise as Coroner any jurisdiction not expressly conferred by this Act.

Felo de se.

A *felo de se* shall not forfeit his goods.

Deodands.

Deodands are hereby abolished.

CHAPTER IV.

Coroners' Juries.

Fine on juror neglecting to attend.

XXXI. Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror; and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit.

Certificate as to defaulting juror.

XXXII. The Coroner shall make out and sign a certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine so imposed, and the cause of such fine, and shall send such certificate to one of the Magistrates of the place of which he is the Coroner, and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid and registered.

Service of copy of certificate.

Levy of fine.

XXXIII. Thereupon such Magistrate shall cause the fine to be levied in the same manner as if it had been imposed by himself.

Jurors not to be twice summoned within the year.

XXXIV. Unless in case of necessity, no person who has appeared, or has been summoned to appear, as a juror on an inquest and has not made default, shall, within one year after such appearance or summons, be summoned to appear as a juror under this Act.

Jurors on inquest on prisoner.

XXXV. When an inquest is held on the body of a prisoner dying within a prison, no officer of the prison and no prisoner confined therein shall be a juror on such inquest.

CHAPTER V.

RIGHTS AND LIABILITIES OF CORONERS.

Coroner's salary.

XXXVI. Every Coroner shall be entitled to such salary for the performance of the duty of his office as is prescribed in that behalf by the Governor General in Council.

Disbursements to be repaid.

XXXVII. All disbursements duly made by a Coroner for fees to medical witnesses, hire of rooms for the jury and the like, shall be repaid to him by the Local Government.

Power to appoint deputy.

Oath to be taken by deputy.

Revocation of appointment.

XXXVIII. Every Coroner may from time to time, with the previous sanction of the Local Government, appoint, by writing under his hand, a proper person to act for him as his deputy in the holding of inquests, and such deputy shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of his office. All inquests taken and other acts done by any such deputy, under or by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him. Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause. Every such appointment may be at any time cancelled and revoked by the Coroner by whom it was made.

Exemption from serving on juries.

XXXIX. No Coroner or Deputy Coroner shall be liable to serve as a juror.

Privilege from arrest.

XL. Coroners and Deputy Coroners shall be privileged from arrest while engaged in the discharge of their official duty.

Penalty for failure to comply with Act.

XLI. Any Coroner or Deputy Coroner failing to comply with the provisions of this Act, or otherwise misconducting himself in the execution of his office, shall be liable to such fine as the Chief Justice of the High Court, upon summary examination and proof of the failure or misconduct, thinks fit to impose.

Limitation of suits.

XLII. No proceeding for anything done under this Act, or for any failure to comply with its provisions, shall be commenced or prosecuted after the expiration of three months from such fact or failure nor after tender of sufficient amends.

FIRST SCHEDULE.

(Referred to in Section 2).

Number and year.	Title.	Extent of Repeal.
33 Geo. III. cap. fifty-two.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further Regulations for the Government of the said territories and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said company; and for making provision for the good order and Government of the towns of Calcutta, Madras and Bombay.	Section one hundred and fifty-seven.

FIRST SCHEDULE.—*concluded.*

Number and year.	Title	Extent of repeal.
9 Geo. IV. cap. seventy-four.	An Act for improving the administration of criminal justice in the East Indies.	Section five and six and (so far as it relates to Coroners) section fifty-one.
Act No. IV. of 1848.	An Act for regulating Coroners' Juries.	The whole.
Act No. XL. of 1850.	An Act to declare the law as to the jurisdiction of Coroners.	The whole.

SECOND SCHEDULE.

(Referred to in Section 24).

FORM OF INQUISITION.

AN INQUISITION taken at on the day of 187 , before E F, Coroner of on view of the body of A B then and there lying dead, upon the oath of G H, I J, K L and M N, then and there duly sworn and charged to enquire when, how, and by what means the said A B came to his death.

We, the said jurors, find unanimously [or by a majority of] that the death of the said A B was caused, on or about the day of 187 , by [here state the cause of death as in the following examples—

1. *Cases of homicide*]—a blow on the head with a stick inflicted on him by C D, under such circumstances that the act of C D, was justifiable [or accidental] homicide.
—a stab on the heart with a knife inflicted on him by C D, under such circumstances that the act of C D was culpable homicide not amounting to murder, [or culpable homicide amounting to murder or a rash or negligent act not amounting to culpable homicide].
2. *Cases of accident*]—falling out of a boat into the river Hugli, whereby he was drowned.
—a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
3. *Cases of suicide*]—shooting himself through the head with a pistol.
—arsenic, which he voluntarily administered to himself.
4. *Cases of sudden death by means unknown*]—disease of the heart.
" " " —apoplexy.
" " " —sunstroke.

And so say the jurors upon their oath aforesaid.

Witness our hands.—E F, Coroner of
G H, I J, K L, M N, O P, jurors.

ACT V OF 1871.

(*Received the assent of the Governor General on the 27th January* 1871.)

THE PRISONERS' ACT, 1871.

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AN ACT TO CONSOLIDATE THE LAWS RELATING TO PRISONERS CONFINED BY ORDER OF A COURT.

FOR the purpose of consolidating the laws relating to prisoners confined by order of a Court; It is hereby enacted as follows:—

I.—PRELIMINARY.

I. This Act may be called "The Prisoners' Act, 1871": it extends to the whole of British India; and it shall come into force on the passing thereof. Short title. Local extent. Commencement.

II. The Acts mentioned in the Schedule hereto annexed are repealed to the extent specified in the third column of the said Schedule. Repeal of Acts.

II.—Prisoners in the Presidency Towns.

Warrants and writs to be directed to Police Officers.

III. All writs or warrants for the arrest or apprehension of any person, issued or awarded by the High Court in the exercise of its ordinary, extraordinary, or other criminal jurisdiction, shall be directed to and executed by any officer of Police within the local limits of such jurisdiction.

Power to appoint Superintendents of Presidency Prisons.

IV. The Local Government may appoint officers who shall have authority to receive and keep prisoners committed to their custody under the provisions of this Part. All such officers appointed under any Act hereby repealed, shall be deemed to be appointed under this Act: Such officers shall be called, in Calcutta, the Superintendent of the Presidency Prison, in Madras, the Superintendent of Prisons for the town of Madras, and in Bombay, by such title or respective titles as the Local Government from time to time directs. Every such officer is hereinafter referred to as 'the Superintendent.'

Superintendents to detain person committed.

V. The Superintendent is hereby authorized and required to keep and detain all persons duly committed to his custody pursuant to the provisions of this Act, or otherwise, by any Court, Judge, Justice of the Peace, Magistrate of Police, Coroner, or other public officer lawfully exercising civil or criminal jurisdiction according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged by due course of law.

Superintendents to return writs, &c., after execution or discharge.

VI. The Superintendent shall forthwith after the execution of every such writ, order, or warrant, except warrants of commitment for trial, or after the discharge of the person committed thereby, return such writ, order, or warrant to the Court or other officer by which or by whom the same has been issued or made, together with a certificate endorsed thereon and signed by the Superintendent, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

Delivery of persons sentenced to imprisonment or death.

VII. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

Delivery for intermediate custody of persons sentenced to transportation or penal servitude.

VIII. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the Superintendent, and the imprisonment of such person shall have effect from such delivery.

Order under Mutiny Act for intermediate custody.

IX. Whenever any Judge of a High Court makes, under any Act for the time being in force for punishing mutiny and desertion, and for the better payment of the Army and their quarters, an order for the intermediate custody of an offender sentenced by a Court Martial holden in India, the Judge shall order such offender to be detained for intermediate custody by the Superintendent.

Committals by High Court in execution of a decree or for contempt.

X. Whenever any person is committed by the High Court, whether in execution of a decree or for contempt of Court, or other cause, he shall be taken by the officer to be appointed for that purpose by such Court, and shall be delivered to the Superintendent, together with a warrant of commitment.

Delivery of persons sentenced by Police Magistrate.

XI. Whenever any person is sentenced by a Magistrate of Police for the town of Calcutta, Madras, or Bombay, to imprisonment, either absolutely or for default of payment of any fine imposed by any such Magistrate, or is committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with a warrant of the Court.

Delivery of persons committed by Justice or Magistrate or Coroner for trial by High Court.

XII. Every person committed by a Justice of the Peace or Magistrate or Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the Superintendent, together with a warrant of commitment, directing him to have the body of such person before the Court for trial, and the Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a Criminal Session of the said Court, together with the warrant of commitment, in order that he may be dealt with according to law.

Custody, pending enquiries under Act XXIII of 1861, section eight.

XIII. Pending any such enquiry as is mentioned in section eight of Act No. XXIII of 1861 (*to amend Act VIII of* 1859), which the High Court considers it necessary to make, the defendant may be delivered by the officer of the said Court to the Superintendent, subject to the provisions as to deposit of fees and as to release on security contained in the same section, and the Superintendent is hereby authorized and required to detain such defendant in safe custody until he is re delivered to the officer of the Court for the purpose of being taken before the said Court in pursuance of an order of the said Court or of a Judge thereof, until he is released by due course of law.

Delivery of persons arrested in pursuance of warrant of High Court or Small Cause Court.

XIV. Every person arrested in pursuance of a writ, warrant, or order of the High Court, in the exercise of its original civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta, Madras, or Bombay under Act No. IX of 1850 (*for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay*), or in pursuance of a warrant issued under section three of this Act, shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant or order was issued, awarded, or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction; and if such Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, shall, unless a Judge of the said Court otherwise orders, be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction, in order that such person may be dealt with according to law; and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

Warrants under Regulations for confinement of State Prisoners.

XV. Any warrant of commitment under Regulation III of 1818 of the Bengal Code (*for the confinement of State Prisoners*), Regulation II of 1819 of the Madras Code (*for the confinement of State Prisoners*), and Regulation XXV of 1827 of the Bombay Code (*for the confinement of State Prisoners, and for the Attachment of the Lands of Chieftains and others, for Reasons of State*), may be directed to the Superintendent in the same manner as the same might have been directed to the Sheriff under Act No. XXXIV of 1850 (*for the better custody of State Prisoners*), and Act No. III of 1858 (*to amend the Law relating to the arrest and detention of State Prisoners*).

III.—Prisoners in the Mofussil.

Officers in charge of prisons may give effect to sentences of certain Courts.

XVI. Officers in charge of prisons situate outside the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay, shall be competent to give effect to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal acting under the authority of Her Majesty, or of the Governor General in Council, or of any Local Government.

Warrant of such Court to be sufficient authority.

XVII. A warrant under the official signature of an officer of such Court or tribunal shall be sufficient authority for holding any prisoner in confinement, or for sending any prisoner for transportation beyond sea, in pursuance of the sentence passed upon him.

Procedure where jailor doubts the legality of warrant sent to him for execution.

XVIII. Any officer in charge of a prison doubting the legality of any warrant sent to him for execution under this Part, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant, shall refer the matter to the Local Government, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner. Pending any such reference, the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant.

Imprisonment in British India of persons convicted of certain offences in Native States.

XIX. The Local Government may authorize the reception, detention, or imprisonment in any place under such Government, for the period specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State in alliance with Her Majesty to imprisonment or transportation for any of the following offences:—counterfeiting coin, uttering counterfeit coin, murder, culpable homicide not amounting to murder, being a thug, voluntarily causing grievous hurt, administering poison, kidnapping, selling minors for purposes of prostitution, rape, robbery, dacoity, dacoity with murder, robbery or dacoity with attempt to cause death or grievous hurt, attempt to commit robbery or dacoity, when armed with a deadly weapon, making preparation to commit dacoity, belonging to a gang of dacoits, dishonest misappropriation of property, breach of trust, house-burning, house-breaking, forgery, and theft of cattle; or for an attempt to commit any of the above offences, or for abetment within the meaning of the Indian Penal Code, of suicide by burning or burying alive, or of any of the other offences above specified, or for such other offences as the Governor General in Council, from time to time, by order published in the *Gazette of India*, thinks fit to prescribe: Provided that such sentences have been pronounced after trial before a tribunal in which an officer of Government duly authorized in that behalf by such Native Prince or State, or by the Governor General in Council, is one of the presiding Judges.

Proviso.

Certificates of conviction.

Copy of proceedings.

XX. Every officer of Government so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment or transportation is carried into effect.

IV.—Convicts sentenced to Penal Servitude.

Persons sentenced to penal servitude where sent, and how dealt with.

XXI. Every person sentenced to be kept in penal servitude may, during the term of the sentence, be confined in such prison within British India as the Governor General in Council by general order, from time to time, directs; and may, during such time, be kept to hard labour; and may, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons sentenced by the convicting Court to rigorous imprisonment may, for the time being, by law be dealt with.

Intermediate imprisonment.

Time of intermediate imprisonment to count in discharge of sentence.

The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence.

Law respecting convicts sentenced to transportation or imprisonment with hard labour applied to persons sentenced to penal servitude.

XXII. All Acts and Regulations now in force within British India, with respect to convicts under sentence of transportation, or under sentence of imprisonment with hard labour, shall so far as may be consistent with the express provisions of this Act, be construed to apply to persons, under any sentence of penal servitude.

Power to grant license to convict sentenced to penal servitude.

XXIII. The Governor General in Council may grant to any convict sentenced to be kept in penal servitude, a license to be at large within British India or in such part thereof as in such license is expressed, during such portion of his term of servitude, and upon such conditions as to the Governor General in Council seem fit.

The Governor General in Council may at any time revoke or alter such license.

Holder of license to be allowed to go at large.

XXIV. So long as such license continues in force and unrevoked, such convict shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such license.

Apprehension of convict where license revoked.

XXV. In case of the revocation of any such license as aforesaid, any Secretary to the Government of India may, by order in writing, signify to any Justice of the Peace or Magistrate that such license has been revoked, and require him to issue a warrant for the apprehension of the convict to whom such license was granted, and such Justice or Magistrate shall issue his warrant accordingly.

Execution of warrant.

XXVI. Such warrant may be executed by any officer to whom it may be directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by the Justice of the Peace, or Magistrate, or other authority having jurisdiction in the place where the same is executed.

Apprehended convict to be brought up for re-commitment.

XXVII. The convict, when apprehended under such warrant shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom it has been issued, or before some other Justice or Magistrate of the same place, or before a Justice or Magistrate having jurisdiction in the district in which the convict is apprehended. Such Justice or Magistrate shall thereupon make out his warrant under his hand and seal, for the re-commitment of the convict to the prison from which he was released by virtue of the said license.

Re-commitment.

XXVIII. Such convict shall be re-committed accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the term mentioned in the sentence.

Penalty for breach of condition of the license.

XXIX. If a license be granted under section twenty-three upon any condition specified therein, and the convict to whom the license is granted violates any such condition or goes beyond the limits specified in the license, or, knowing of the revocation of such license, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid being apprehended, he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence.

V.—Removal of Prisoners.

Removal from one jail to another in territories under Local Government.

XXX. When any person is, or has been, sentenced to imprisonment by any Court, the Local Government, or (subject to its orders and under its control) the Inspector General of Jails, may order his removal during the period prescribed for his imprisonment, from the jail or place in which he is confined to any other jail or place of imprisonment within the territories subject to the same Local Government.

Removal of lunatic prisoners.

XXXI. Whenever it appears to the Local Government that any person, detained or imprisoned under any order or sentence of any Magistrate or Court is of unsound mind, such Government, by a warrant setting forth the grounds of belief that such person is of unsound mind, may order his removal to a lunatic asylum, or other fit place of safe custody, within the territories subject to the same Government, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence; or, if it be certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be detained under medical care or treatment, then until he is discharged according to law.

Remand on recovery.

When it appears to the said Government that such prisoner has become of sound mind, the Local Government, by a warrant directed to the person having charge of the prisoner, shall remand the prisoner to the prison from which he was removed, if then still liable to be kept in custody, or if not, shall order him to be discharged.

Discharge.

Act XXXVI of 1858, section nine, applied to prisoners in lunatic asylum.

The provisions of section nine of Act XXXVI of 1858 *(relating to Lunatic Asylums)* shall apply to every person confined in a lunatic asylum under this section after the expiration of the term of imprisonment to which he has been sentenced; and the time during which he has been so confined shall be reckoned as part of such term.

Government of India may order removal of prisoners from one prison to another.

XXXII. When any person is, or has been, sentenced to imprisonment by any Court, the Governor General in Council may order his removal during the period prescribed for his imprisonment, from the prison in which he is confined to any other prison in British India.

VI.—Management of Transported Convicts.

Power to appoint persons to whom convicts shall be delivered.

XXXIII. The Governor General in Council may appoint the Governor or other authority at any place in British India, or one or more Superintendents at any such place, as the persons to whom convicts undergoing transportation shall be delivered.

Power to make rules as to convicts.

XXXIV. The Governor General in Council may, from time to time, prescribe rules as to the following matters,—the classification of convicts; their confinement, treatment, discipline, and employment; their punishment for misbehaviour, disorderly conduct, neglect, or disobedience; and the manner in which the proceeds (if any) of their employment shall be disposed of.

VI.—Discharge of Convicts.

Discharge of convicts recommended for pardon.

XXXV. Any Court established under the twenty-fourth and twenty-fifth of Victoria, Chapter one hundred and four, may in any case in which it has recommended to Her Majesty the granting of a free pardon to any convict, permit him to be at liberty on his own recognizance.

SCHEDULE.

(Referred to in Section 2.)

Number and year of Act.	Subject or Title.	Extent of repeal.
VII of 1837 ...	Charter Courts' power to discharge Convicts recommended for pardon.	The whole.
XVI of 1840 ...	An Act concerning the management of Convicts transported to places within the territories of the East India Company.	The whole.
XXIV of 1855 ...	An Act to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the Law relating to the removal of such Convicts.	Sections five, six, seven, nine, ten, eleven, and twelve.
XVII of 1860 ...	An Act to repeal Act V of 1858 (for the punishment of certain offenders who have escaped from jail, and of persons who shall knowingly harbour such offenders) and to make certain provisions in lieu thereof.	The whole.

SCHEDULE.—*concluded.*

(*Referred to in Section 2.*)

Number and year of Act.	Subject or Title.	Extent of repeal.
XXV of 1861) VIII of 1869) ...	The Code of Criminal Procedure.	Sections forty-nine, forty-nine A, and three hundred and ninety-six.
VIII of 1863 ...	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	The whole.
VIII of 1865 ...	An Act to make valid the imprisonment of certain persons arrested under the process of the High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original Civil jurisdiction.	The whole.
II of 1867 ...	An Act to make further provision for the removal of prisoners.	The whole.
XII of 1867 ...	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of judicature at Fort William in Bengal, Madras, and Bombay.	The whole.
XXVI of 1869 ...	An Act to correct a clerical error in Act No. VIII of 1863.	The whole.

ACT VI OF 1871.

(*Received the assent of the Governor General on the* 10*th February* 1871.)

THE BENGAL CIVIL COURTS ACT, 1871.

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AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE DISTRICT AND SUBORDINATE CIVIL COURTS IN BENGAL.

WHEREAS it is expedient to consolidate and amend the law relating to the District and Subordinate Civil Courts in the territories respectively under the Governments of the Lieutenant Governors of the Lower and North-Western Provinces of the Presidency of Fort William in Bengal; It is hereby enacted as follow:—

CHAPTER I.
PRELIMINARY.

Short title. Local extent.

I. This Act may be called "The Bengal Civil Courts Act, 1871." It extends to the territories for the time being respectively under the governments of the said Lieutenant Governors, except such portions thereof as for

the time being are not subject to the ordinary jurisdiction of the High Courts and except the Jhansi Division. Except this section and sections seventeen, twenty-nine and thirty, nothing herein contained applies to Courts of Small Causes established under Act No. XI of 1865. Partial exclusion of Mofussil Small Cause Courts.

This Act shall come into force on the passing thereof. Commencement of Act.

II. The Regulations and Acts mentioned in the schedule hereto annexed are repealed to the extent specified in the third column of such schedule. Repeal of enactments.

CHAPTER II.

CONSTITUTION OF CIVIL COURTS.

III. The number of District Judges to be appointed under this Act shall be fixed, and may from time to time be altered, by the Local Government. Number of District Judges.

IV. The number of Subordinate Judges and Munsifs to be appointed under this Act in each District, shall be fixed, and may from time to time be altered, by the Local Government. Number of Subordinate Judges and Munsifs.

V. Whenever the office of District Judge or Subordinate Judge under this Act is vacant, or whenever the Governor General in Council has sanctioned an increase of the number of District Judges or Subordinate Judges, the Local Government shall supply such vacancy or appoint such additional District Judges or Subordinate Judges, as the case may be. Vacancies in District or Subordinate Judgeships.

VI. Whenever the office of a Munsif is vacant, or when the Governor General in Council has sanctioned an increase of the number of Munsifs, the High Court shall nominate such person as it thinks fit to be a Munsif, and the Local Government shall appoint him accordingly: Provided that the Local Government may, with the sanction of the Governor General in Council, make rules as to the qualifications of persons to be appointed to the office of Munsif under this Act; and on such rules being made, no person shall be nominated to such office unless he possesses the qualifications required by the said rules. Vacancies in Munsifships. Proviso.

VII. When the business pending before any District Judge requires the aid of Additional Judges for its speedy disposal, the Local Government may, upon the recommendation of the High Court, and subject to the sanction of the Governor General in Council, appoint such Additional Judges as may be requisite. Such Additional Judges shall perform any of the duties of a District Judge under Chapter III of this Act that the District Judge may, with the sanction of the High Court, assign to them, and, in the performance of such duties, they shall exercise the same powers as the District Judge. Additional Judges.

VIII. In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the station in which his Court is held, the Additional Judge, or, if there is no Additional Judge attached to such Court, the senior Subordinate Judge of the District shall, without relinquishing his ordinary duties, assume charge of the Judge's office, and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the issue of processes and the like functions, and shall continue in charge of the office until it is resumed by the District Judge or assumed by an officer duly appointed thereto. Temporary charge of District Judgeship.

IX. In the event of the death of a Subordinate Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence on leave when no person is appointed to act for him, the District Judge may transfer all or any of the proceedings pending in the Court of such Subordinate Judge either to his own Court or to the Court of a Subordinate Judge (if any) under his control. All proceedings transferred Transfer of proceedings on death, &c., of Subordinate Judge.

under this section shall be disposed of as if they had been instituted in the Court to which they are so transferred.

Temporary charge of Munsifship.

A District Judge, on the occurrence within his District of any vacancy in the office of Munsif, may, pending the action of the High Court under section six, appoint such person as he thinks fit to act in such office. And he shall forthwith report to the High Court the occurrence of every such vacancy and such appointment.

Power to confer judicial powers on officers in Kachar, Assam, Chota Nagpur and Kuch Bihar.

X. The Local Government may invest with the powers of any Court under this Act any officer in the District of Kachar and the Divisions of Assam, Chota Nagpur and Kuch Bihar. Nothing in sections three to nine (inclusive), thirty-two, thirty three and thirty-four, applies to any such officer. But all the other provisions of this Act apply, *mutatis mutandis*, to officers so invested.

Control of Civil Courts in a District.

XI. The general control over all the Civil Courts in any District is vested in the District Judge, but subject to the superintendence of the High Court.

First District Judges, Additional Judges, Subordinate Judges and Munsifs.

XII. The present Judges of the Zillah Courts, Additional Judges, Subordinate Judges and Munsifs shall be deemed to have been duly appointed to the offices the duties of which they have respectively discharged, and shall be the first District Judges, Additional Judges, Subordinate Judges and Munsifs under this Act.

Declaration of office.

XIII. Every District Judge, Additional Judge, Subordinate Judge or Munsif appointed after the passing of this Act shall, previously to entering on the duties of his office, make and subscribe a solemn declaration according to the following form:—

"I, A B, appointed to the office of

do solemnly declare that, in the trial and determination of all suits which may come under my cognizance, and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment without partiality, favour, or affection; that I will not directly or indirectly receive, or knowingly allow any other person to receive on my behalf, any money, effects or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute.

I will strictly adhere to all the rules prescribed for my guidance, and I will, in all respects, truly and faithfully execute the trust reposed in me.

(Signed) *A B*,
District [*or* Additional *or* Subordinate] Judge of———*or* Munsif of———"

Such declaration shall be made by a District Judge, either before his predecessor in such office, or before the Magistrate of the District, by an Additional Judge, a Subordinate Judge or Munsif, before the District Judge or the Magistrate of the District.

Seals of Courts.

XIV. Every Court under this Act shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government.

District Judges, Subordinate Judges and Munsifs to be deemed Civil Courts.

XV. Every District Judge, Additional Judge, Subordinate Judge and Munsif under this Act shall be deemed to be a Civil Court within the meaning of the Code of Civil Procedure and of this Act.

Power to fix sites of Courts.

XVI. The Local Government may fix, and from time to time alter, the place or places at which any Court under this Act is to be held.

Vacation.

XVII. Subject to such orders as may from time to time be issued by the Governor General in Council, the High Court shall prepare a list of days to be observed in each year as close holidays in the Courts subordinate thereto. Such list shall be published in the local official Gazette, and the said days shall be observed accordingly.

CHAPTER III.

ORDINARY JURISDICTION.

Power to fix local limits of jurisdiction.

XVIII. The Local Government shall fix, and may from time to time vary, the local limits of the jurisdiction of any Civil Court under this Act: Provided that, where more than one Subordinate Judge is appointed to any District, and where more than one Munsif is appointed to any Munsiff, the Judge of the District Court may assign to each such Subordinate Judge or Munsif the local limits of his particular jurisdiction within such District or Munsiff, as the case may be. The present local limits of the jurisdiction of every Civil Court (other than the High Court) shall be deemed to be fixed under this Act.

Extent of original jurisdiction of District Judge or Subordinate Judge.

XIX. The jurisdiction of a District Judge or Subordinate Judge extends, subject to the provisions in the Code of Civil Procedure, section six, to all original suits cognizable by the Civil Courts.

Extent of Munsif's jurisdiction.

XX. The jurisdiction of a Munsif extends to all like suits in which the amount or value of the subject-matter in dispute does not exceed one thousand rupees.

Appeals from District Judges and Additional Judges.

XXI. Appeals from the decrees and orders of District Judges and Additional Judges shall, when such appeals are allowed by law, lie to the High Court.

Appeals from Subordinate Judges and Munsifs.

XXII. Appeals from the decrees and orders of Subordinate Judges and Munsifs shall, when such appeals are allowed by law, lie to the District Judge, except where the amount or value of the subject matter in dispute exceeds five thousand rupees in which case the appeal shall lie to the High Court: Provided that the High Court may from time to time, with the previous sanction of the Local Government, order that all appeals from the decrees and orders of any Munsif shall be preferred to the Court of such Subordinate Judge as may be mentioned in the order and such appeals shall thereupon be preferred accordingly.

Proviso.

Power to require witnesses or parties to be sworn.

XXIII. Every Court under this Act may require a witness or party to any suit or proceeding pending in such Court, to take such oath as is prescribed by the law for the time being in force.

Certain decisions to be according to Native law.

XXIV. Where in any suit or proceeding it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in cases where the parties are Muhammadans, and the Hindu law in cases where the parties are Hindus, shall form the rule of decision, except in so far as such law has, by legislative enactment, been altered or abolished. In cases not provided for by the former part of this section, or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

Judges not to try suits in which they are interested.

XXV. No Munsif, Subordinate Judge, Additional Judge or District Judge shall try any suit in which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit. No Subordinate Judge, Additional Judge or District Judge shall try any appeal against a decree or order passed by himself in another capacity. When any such suit, proceeding or appeal comes before any such Munsif, Subordinate Judge, Additional Judge or District Judge, he shall forthwith transmit the whole record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference. The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil procedure, section six.

Nothing in the last preceding clause of this section shall be deemed to affect the extraordinary original civil jurisdiction of the High Court.

CHAPTER IV.

Special Jurisdiction.

Power to refer to Subordinate Judges appeals from Munsif.

XXVI. Every District Judge may from time to time, subject to the orders of the High Court, refer to any Subordinate Judge under his control any appeals pending before him from the decisions of Munsifs; and such Subordinate Judge shall hear and dispose of such appeals accordingly. The District Judge may withdraw any appeals so referred and hear and dispose of appeals so withdrawn.

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Judge.

XXVII. The High Court may from time to time, by order, authorize any District Judge to transfer to a Subordinate Judge under his control appeals from orders of Munsifs preferred under the Code of Civil Procedure, sections thirty-six, seventy-six, eighty-five, ninety-four, one hundred and ninetoen, two hundred and thirty-one and two hundred and fifty-seven, or under Act No. XXIII of 1861, section eleven.

The High Court may also from time to time, by order, authorize any District Judge to transfer to a Subordinate Judge or Munsif under the control of such District Judge any of the proceedings next hereinafter mentioned, or any class of such proceedings specified in such order, and then pending, or thereafter instituted, before such District Judge.

The proceedings referred to in the second clause of this section are the following, that is to say,—(1). Proceedings under Bengal Regulation V, 1799 *(to limit the interference of the Zillah and City Courts of Dewanny Adawlut in the Execution of Wills and Administration to the Estates of persons dying intestate)*. (2). Proceedings under Act XL of 1858 *(for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal)*, or Act No. IX of 1861 *(to amend the law relating to Minors)*. (3). Claims to attached property under the Code of Civil Procedure, section two hundred and forty-six. (4). Applications by judgment-debtors under section two hundred and seventy-three or section two hundred and eighty of the same Code. (5). Applications to file awards under section three hundred and twenty-seven of the same Code. (6). Applications for permission to sue or appeal as a pauper. (7). Applications for certificates under Act No. XXVII of 1860 *(for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons)*.

The District Judge may withdraw any proceedings so transferred and may either himself dispose of them, or, with the sanction of the High Court, transfer them to any other Subordinate Judge or Munsif under his control.

Disposal of proceedings so transferred.

XXVIII. Subject to the provisions of the last clause of section twenty-seven, all proceedings transferred under the second clause of the same section shall be disposed of by the Subordinate Judge or Munsif (as the case may be) according to the rules prescribed for the guidance of District Judges in like cases: Provided that an appeal from the order of the Subordinate Judge or Munsif in such cases shall lie to the District Judge. An appeal from his order thereon shall lie to the High Court if an appeal from the decision of the Judge in such proceedings is allowed by the law in force for the time being.

Power to invest Subordinate Judges with Small Cause jurisdiction.

XXIX. The Local Government may invest, within such local limits as it from time to time appoints, any Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts, up to the amount of five hundred rupees, and any Munsif with similar jurisdiction up to the amount of fifty rupees; and may, whenever it thinks fit, withdraw such jurisdiction from the Subordinate Judge or Munsif so invested.

Amendment of Act No. XI of 1865.

XXX. Section fifty-one of Act No. XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the*

ordinary original civil jurisdiction of the High Courts of Judicature) shall be read as if, for the words "Principal Sadr Amin," the words "Subordinate Judge" were substituted.

CHAPTER V.

MISFEASANCE.

Suspension or removal of District Judge or Additional Judge.

XXXI. Any District Judge, Additional Judge, Subordinate Judge, or Munsif may, for any misconduct, be suspended or removed by the Local Government.

Suspension of Subordinate Judge.

XXXII. The High Court may, whenever it sees urgent necessity for so doing, suspend any Subordinate Judge under its control. Whenever the High Court exercises this power, it shall forthwith report to the Local Government the circumstances of the suspension, and the Local Government shall make such order thereon as it thinks fit.

Suspension of Munsifs by High Court.

XXXIII. The High Court may appoint a Commission for enquiring into the alleged misconduct of any Munsif. On receiving the report of the result of any such enquiry, the High Court may, if it thinks fit, remove the Munsif from office, or suspend him, or reduce him to a lower grade. The provisions of Act No. XXXVII of 1850 (*for regulating enquiries into the behaviour of public servants*) shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

The High Court may also, previous to the appointment of such Commission, suspend any Munsif pending the result of the enquiry.

The High Court may, without appointing any such Commission, remove or suspend any Munsif, or reduce him to a lower grade.

Suspension of Munsifs by District Judges.

XXXIV. Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Munsif under his control.

Whenever a District Judge suspends from office any such Munsif, he shall forthwith send to the High Court a full report of the circumstances of the suspension together with the evidence, if any, and the High Court shall make such order thereon as it thinks fit.

CHAPTER VI.

MINISTERIAL OFFICERS.

Appointment and removal of Ministerial Officers of District Courts.

XXXV. The Judges of the District Courts shall appoint the Ministerial Officers of such Courts, and, subject only to the general control of the Local Government, the said Judges may remove or suspend such Officers or fine them in an amount not exceeding one month's salary.

Appointment and removal of Ministerial Officers of Subordinate Judges and Munsifs.

XXXVI. The Ministerial Officers of the Court of Subordinate Judges and Munsifs shall be nominated and appointed by those Courts respectively subject to the approval of the District Judge within whose jurisdiction such Courts are situate.

Power to punish such Officers.

Every such Court may, by order, remove, or suspend from office, or fine in an amount not exceeding one month's salary, any of its Ministerial Officers who is guilty of any misconduct or neglect in the performance of the duties of his office. And the District Judge, subject only to the general control of the Local Government, may on appeal or otherwise reverse or modify every such order.

Nothing in this section or in section thirty-five shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Transfer of Ministerial Officers.

XXXVII. The Local Government may, at the instance of the District Judge, transfer from any Court in the territories subject to such Government, to any other Court in the same territories, all or any of the Minis-

terial Officers of such Judge or of any Subordinate Judge or Munsif under his control. The District Judge may transfer all or any of the Ministerial Officers of any Court under his control to any other such Court.

Recovery of fines.

XXXVIII. Any fine imposed under this Chapter shall, if the order imposing it so directs, be recovered by deduction from the offender's salary.

SCHEDULE.

Part I.—Bengal Regulations.

Number and year.	Title.	Extent of Repeal.
III, 1793 ...	A Regulation for extending and defining the Jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the Trial of Civil Suits in the first instance, established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad	So much as has not been repealed.
IV, 1793 ...	A Regulation for receiving, trying, and deciding Suits or Complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca and Moorshedabad.	Section fifteen.
VII, 1795 ...	A Regulation for establishing a Court of Dewanny Adawlut, or Court of judicature for trying Civil Suits, in the first instance, at the City of Benares, and at Mirzapore, Ghazeepore, and Jaunpore, in the Province of Benares, and for defining the Jurisdiction and Powers of those Courts.	So much as has not been repealed.
VIII, 1795 ...	A Regulation for extending to the Province of Benares, with alterations and modifications, Regulation IV, 1793, entitled "A Regulation for receiving, trying, and deciding Suits or Complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad;" and for exempting the Rajah of Benares and the Baboos of his Family, and certain Bankers, when Defendants, from giving the Security required from other Defendants.	Section three.
II, 1803 ...	A Regulation for establishing and defining the Jurisdiction of the Courts of Adawlut or Courts of Judicature, for the trial of Civil Suits in the first instance, in the Provinces ceded by the Nawab Vizier to the Honourable the English East India Company.	So much as has not been repealed.

SCHEDULE—(*continued*).

PART I—BENGAL REGULATIONS—(*continued*).

Number and year.	Title.	Extent of repeal.
III, 1803 ...	Regulation for receiving, trying and deciding Suits or Complaints, declared cognizable in the Courts of Adawlut established in the several Zillahs in the Provinces ceded by the Nawab Vizier to the Honourable the English East India Company.	Section sixteen, clause one.
VIII, 1805 ..	A Regulation for extending to the conquered Provinces situated within the Dooab and on the right bank of the River Jumna, and to the territory ceded to the Honourable the English East India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawab Vizier to the Honourable the English East India Company, as have not been already extended to those territories, and for revising and amending certain Parts of the said Laws and Regulations.	Section six and so much of section seven as extends Regulation III, 1803, section sixteen, clause one.
VII, 1832 ...	A Regulation for modifying certain of the Provisions of Regulation V, 1831, and for providing Supplementary Rules to that Enactment.	So much as has not been repealed.
VIII, 1833 ..	A Regulation for the occasional Appointment of Additional Judges of the Zillah and City Courts.	The whole.

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Number and year.	Title.	Extent of repeal.
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L of 1860 ...	An Act to amend the Law relating to Vacations in the Civil Courts within the Presidency of Fort William in Bengal.	The whole.
XVI of 1868 ...	An Act to consolidate and amend the law relating to the Principal Sadr Amins, Sadr Amins, and Munsifs in Bengal, and for other purposes.	The whole.
XI of 1870 ...	An Act to provide for the appointment of additional Subordinate Judges and Munsifs in the Presidency of Fort William.	The whole.

ACT VII OF 1871.

(*Received the assent of the Governor General on the 10th March* 1871.)

THE INDIAN EMIGRATION ACT.

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An Act to consolidate the laws relating to the Emigration of Native Labourers.

Whereas it is expedient to consolidate the laws relating to the Emigration of Native Labourers; It is hereby enacted as follows:—

I.—Preliminary.

Short title. Local extent. Commencement of Acs.

I. This Act may be called "The Indian Emigration Act, 1871:" It extends to the whole of British India; and it shall come into force on the passing thereof.

Acts repealed.

II. The Acts mentioned in the first schedule hereto annexed are repealed. All contracts entered into, appointments made, and licenses granted, under any of the said Acts, shall be deemed to be respectively entered into, made and granted under this Act.

Interpretation-clause. "Emigrate." "Emigrant." "Magistrate." "Vessel."

III. In this Act, "emigrate" denotes the departure of any Native of India out of British India for the purpose of labouring for hire in some other place; and the word "Emigrant" denotes any Native of India under engagement to emigrate: "Magistrate" denotes any officer exercising the full powers of a Magistrate and in charge of a District, a Division, or a Sub-Division: "Vessel" includes anything made for the conveyance by water of human beings or property.

II.—Emigration Agents.

Appointment of Emigration Agents.

IV. The Government of every place to which emigration is lawful under this Act may, from time to time, appoint a person to act as Emigration Agent in Calcutta, Madras and Bombay respectively, but such nomination shall be subject to the approval of the Local Government. Every Emigration Agent may be suspended or removed by the Government which appointed him.

Remuneration of Agents.

V. The remuneration to be given to Emigration Agents shall not depend upon, or be regulated by, the number of Emigrants sent by such Agents, but shall be in the nature of a fixed annual salary.

III.—Protectors of Emigrants and Medical Inspectors.

Appointment of Protectors of Emigrants.

VI. The Local Government may appoint a proper person to act as Protector of Emigrants at each of the three ports aforesaid, and may, with the sanction of the Governor General in Council, assign to such person such salary and establishment as shall be deemed proper. Every Protector of Emigrants may be suspended or removed by the Local Government to which he is subordinate.

No Protector to hold other office without permission.

VII. No Protector of Emigrants appointed under this Act shall, except with the permission of the Local Government, hold any other office under Government, or follow any other profession or occupation.

General duties of Protectors of Emigrants.

VIII. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall, so far as is in his power, generally protect and aid with his advice or otherwise all Emigrants, and shall cause

all the provisions of this Act to be duly complied with. He shall also inspect on arrival all vessels bringing return Emigrants to the port at which he is Protector, and enquire into the treatment received by such Emigrants both during the period of their service in the place to which they emigrated and also during the voyage, and shall make a report thereon to the Local Government, and he shall aid and advise such return Emigrants so far as he reasonably can when called upon by them to do so. Inspecting vessels with return Emigrants.

IX. At each of the three ports aforesaid, the Local Government may appoint a competent person to be Medical Inspector of Emigrants; and may, with the sanction of the Governor General in Council, assign to the Medical Inspector so appointed such salary as is deemed proper. Appointment of Medical Inspector.

X. In each of the Towns of Calcutta, Madras and Bombay, or in the suburbs of those towns, the Emigration Agent of every place to which emigration is lawful under this Act, shall establish a suitable depôt for the persons engaged as Labourers for such place. Depots to be established in Presidency Towns.

XI. Every depôt shall be licensed by the Protector of Emigrants, after being inspected and approved of by him and by the Medical Inspector of Emigrants. No license shall be in force for a longer period than a year, and any license may be cancelled by the Protector of Emigrants if he considers that the depôt for which it was granted is unhealthy or in any respect has become unsuitable for the purpose for which the depôt was established. For every license granted under this section there shall be paid to the Protector a fee of fifteen rupees. Licensing of depots.

XII. Every Protector of Emigrants and every Medical Inspector of Emigrants shall from time to time, and at least once in every week, inspect the Emigrants in the various depôts for the reception of Emigrants about to embark from the port at which they are Protector and Medical Inspector respectively, and examine into the state of the depôts and the manner in which the Emigrants are therein lodged, fed, clothed and otherwise provided for and attended to. Inspection by Protector and Medical Inspector.

XIII. The Medical Inspector shall report to the Protector of Emigrants any circumstance which may come to his knowledge, showing that the depôt is not suitable for its purpose, or that the Emigrants are treated with any neglect or oppression. Report to be made by Medical Inspector.

XIV. Every Protector of Emigrants and every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code. Protectors and Medical Inspectors to be public servants.

XV. Every Emigration Agent, and all persons in charge of or employed in any depôt, or in any vessel licensed to carry Emigrants as hereinafter provided, shall give the Protector and the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford them all such information as may be reasonably required by them. And to have facilities for inspections, &c.

IV.—Recruiters of Emigrants.

XVI. The Protector of Emigrants at each of the three ports aforesaid, and the British Consular Agent at each of the French ports, in India, shall license so many fit persons as to him seems necessary, to be Recruiters of Labourers, and no person shall act or be employed as a Recruiter of Labourers except under a license from a Protector of Emigrants or British Consular Agent. Protector of Emigrants to license Recruiters.

XVII. Every Recruiter shall be licensed to obtain Labourers for some particular place to which Emigration is lawful under this Act, and no license to obtain Labourers for any place shall be granted except on the application of the Emigration Agent of such place. Recruiter's license.

XVIII. No license shall be in force for a longer period than one year; and in case of misconduct on the part of any Recruiter, the Protector of Duration and cancellation of licence

Emigrants may cancel his license before the expiration of the period for which it was granted.

Form of license, and fee therefor.

XIX. Every license shall be in the form set forth in the second schedule hereto annexed. For every license there shall be paid to the Protector a fee of fifteen rupees.

Recruiter to wear badge.

XX. Every person holding a license as a Recruiter of Labourers shall wear a badge bearing the following inscription in English and in the vernacular language of the Town, District or Districts in which he is licensed to engage Labourers:—"Recruiter of Emigrants for the Mauritius" (*or other place, as the case may be*).

Countersignature of Recruiter's license.

XXI. No Recruiter shall engage or attempt to engage Labourers in any District or in the Towns of Calcutta, Madras or Bombay, without having first exhibited his license to the Magistrate of such District, or a Magistrate of such Town, and obtained the countersignature of such Magistrate thereupon. Such countersignature shall be given, provided that the license is in force at the time.

V.—Contracts with Emigrants.

Contracts for labour out of India unlawful except under this Act.

XXII. Except under and in conformity with the provisons of this Act, it shall not be lawful to make any contract with any Native of India for labour to be performed in any place beyond British India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating: provided that nothing in this Act shall apply to any contract with any Native of India for labour to be performed in any Foreign Settlement on the mainland of India or in any Native State in India; to emigration to any such Settlement or State; to any contract for labour to be performed in, or to emigration to, the Island of Ceylon; or to any contract with, or the emigration of, any native seaman or other person who of his own free will contracts to navigate or serve on board of any vessel or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only, and who embarks as such menial servant.

Places for emigration to which contracts may be made with Natives.

XXIII. Contracts may be made with Natives of India to emigrate to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts and Seychelles; to any of the French Colonies of Reunion, Martinique, Guadeloupe and its dependencies, and Guiana; and to the Danish Colony of St. Croix; and it shall be lawful to enable or assist any Native of India to emigrate to any such Colony.

Power to legalize emigration to other places.

XXIV. The Governor General in Council may, from time to time, by notification published in the *Gazette of India*, declare that the emigration of Natives of India shall be lawful to any place other than the places mentioned in section twenty-three: provided that every such notification contain also a declaration, that the Governor General in Council has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of Natives of India emigrating to such place.

Proviso.

Contracts may be made for emigration to such other places.

XXV. From the date of any such notification, contracts may be made with any Native of India for labour to be performed in any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any Native of India to emigrate to such place; but all contracts and emigration under such notification shall be made and conducted subject to the provisions of this Act.

From what ports emigration lawful.

XXVI. Emigration shall not be lawful except from the port of Calcutta, the port of Madras or the port of Bombay.

VI.—REGISTRATION OF EMIGRANTS.

Natives engaging to emigrate to appear before Magistrate.

XXVII. Every Native of India, who in any place other than the Towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, before leaving the District within which the engagement was entered into, appear with the Recruiter before a Magistrate, and no Recruiter shall remove such Emigrant from the said District until he has so appeared. Upon so appearing, the Magistrate shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose, in such form as the Local Government prescribes; (*a*) the name, name of the father, and the age, of such Emigrant, (*b*) the name of the village or place of which such Emigrant is a resident, (*c*) the Emigration Depôt to which it is intended he shall proceed, and (*d*) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

Examination and registration.

If the Magistrate thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or mis-representation, he shall refuse to register his name. A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the Emigrant registered.

Copy of registration to be sent to Emigration Agent and Protector.

XXVIII. Authentic copies of every such registration shall be forthwith forwarded by the Magistrate to the Emigration Agent at the depôt to which the person named therein has been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

Registration of Emigrants recruited in Presidency Towns.

XXIX. Every Native of India, who in the Towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, within forty-eight hours of making such engagement, appear with the Recruiter before the Protector of Emigrants in such towns; and no Recruiter shall remove such Emigrants from the said town, or to any Emigration Depôt until he has so appeared. Upon his so appearing, the Protector of Emigrants shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Protector of Emigrants shall register in a book to be kept for the purpose, in such form as the Local Government prescribes, (*a*) the name, the name of the father, and the age, of such Emigrant, (*b*) the name of the village or place of which such Emigrant is a resident, (*c*) the Emigration Depôt to which it is intended he shall proceed, and (*d*) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Protector of Emigrants thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or mis-representation, he shall refuse to register his name. A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Protector to the Emigrant registered.

Copy of registration by Protector to be forwarded to Agent.

XXX. An authentic copy of every such registration shall be forthwith forwarded by the Protector to the Emigration Agent of the place for which the person named therein has been engaged.

Fee for registration.

XXXI. For the registration of every Emigrant under section twenty-seven or section twenty-nine, the Recruiter shall pay to the Magistrate or the Protector of Emigrants, as the case may be, a fee of one rupee and eight annas. On proof of the desertion of any Emigrant before embarkation, the fee paid in respect of such Emigrant may be refunded by the Magistrate or the Protector to the Recruiter by whom it was paid under such rules as are from time to time made in that behalf by the Governor General in Council.

VII.—Conveyance of Emigrants to Depots.

Conveyance of Emigrant to depot.

XXXII. (1). Every Emigrant recruited under the provisions of this Act shall be conveyed by land or river with all convenient despatch to the depôt, at the port of embarkation, established by the Emigration Agent of the place to which such Emigrant has contracted to emigrate.

Emigrants to be accompanied by Recruiter.

(2). The registered Emigrants engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey either by the Recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom the Emigrants have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depôt.

Recruiter to provide suitable food and lodging.

(3). Every Recruiter by or through whom Emigrants may be forwarded to a depôt shall, throughout their journey, provide them with suitable lodging and food.

VIII.—Arrival at Depots and Procedure thereon.

Arriv l at depot to be reported.

XXXIII. The arrival of each Emigrant at a depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, and by such Agent to the Protector of Emigrants.

Copy of registration to be shown to Medical Inspector.

XXXIV. The copy of the registration of every Emigrant, received by the Emigration Agent from the Magistrate or from the Protector of Emigrants, shall, as soon as conveniently may be after the arrival of the Emigrant, be shewn to the Medical Inspector of Emigrants; and the Emigrant shall be examined by the Medical Inspector to ascertain if he is in a

Emigrants to be inspected by him.

fit state of health to emigrate to the place to which he has contracted to proceed. The Medical Inspector, if satisfied of his fitness, shall give a certificate thereof to the Emigration Agent: if satisfied of his unfitness, he shall give a certificate thereof to the Protector of Emigrants.

When Emigrant to be sent back to place of registration.

XXXV. If the Medical Inspector certifies that any Emigrant is not in a fit state of health to emigrate to the place to which he has contracted to proceed, or if any irregularity has occurred in the recruitment of any Emigrant, the Protector of Emigrants may order the Emigration Agent in whose depôt such Emigrant may be, forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the Emigrant to return to the place where he was registered, and the Protector may take any steps he thinks necessary for the conveyance of the Emigrant to such place.

Failure of Emigration Agent to pay sum required to enable Emigrant to return.

XXXVI. On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any such sum, the Protector may pay the same to or on behalf of the Emigrant. Every sum so disbursed shall be recoverable by the Protector, with six per cent. interest from the date of disbursment, from the Emigration Agent on whose default it is paid, as money paid to the use of such Emigration Agent. No further proof shall be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay such money and that the Emigration Agent for a space of twenty-four hours made default in complying therewith. Provided that every Emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the journey back to the place where he was registered, shall, in addition to his being conveyed back at the expense of the Emigration Agent, be entitled to continue in the depôt and to be fed, clothed, lodged and attended to there, by and at the expense of the Emigration Agent, until such time as the Protector otherwise orders.

Duty of Emigration Agent.

XXXVII. The Emigration Agent in the presence of the Protector of Emigrants and within forty-eight hours after the arrival of each Emigrant at the depôt, shall ascertain by personal communication with such Emigrant whether or not he has been properly fed and otherwise properly treated on his journey to the depôt. The Emigration Agent shall also, in the presence

of the Protector and within such time as aforesaid, examine the copy of the registration furnished to the Emigrant under section twenty-seven or section twenty-nine. If for any reason further enquiry be necessary, such enquiry shall be made forthwith.

Unless the Emigration Agent, with the consent of the Protector, refuses to recognize or to be bound by the contract entered into by the Recruiter with the Emigrant, as shown by the copy of the registration produced by the Emigrant, such copy, if it be a copy furnished under section twenty-seven, shall be countersigned by both the Emigration Agent and the Protector, and if it be a copy furnished under section twenty-nine shall be countersigned by the Emigration Agent alone. The copy so countersigned, under whichever section it may have been furnished, shall be delivered back to the Emigrant.

Refusal of Agent, without consent of Protector, to be bound by contract made by Recruiter.

If the Emigration Agent, without the consent of the Protector, refuses to be bound by the contract entered into by the Recruiter with the Emigrant, the Protector may thereupon order the Emigration Agent forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the Emigrant to return to the place where he was registered. On failure of the Emigration Agent to pay such sum within twenty-four hours of his being ordered so to do, the Protector may pay the same to, or on behalf of, the Emigrant. All the provisions of section thirty-six as to sums paid by the Protector shall apply, so far as the circumstances of the case permit, to sums paid by him under this section.

Suits against Emigration Agent.

The Protector shall also, in every case in which it seems to him proper to do so, institute a suit on behalf of the Emigrant against the Emigration Agent, for the recovery of damages for the breach of contract committed by the Emigration Agent. In every such suit, the contract entered into by the Recruiter shall be deemed to have been entered into by, and to be binding on, the Emigration Agent.

After examination and Medical Inspector's certificate, Emigration Agent to grant a pass.

XXXVIII. After the examination mentioned in section thirty-seven, and if the Medical Inspector has given a certificate of the fitness of the Emigrant to emigrate, the Emigration Agent shall deliver to the Emigrant a pass, countersigned by the Protector of Emigrants as hereinafter provided, stating the name and the age of the Emigrant and the name of his father, and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.

Protector of Emigrants to attend personally at examination and passing. And to countersign pass.

XXXIX. The Protector of Emigrants shall attend personally at the examination and passing of Emigrants by the Emigration Agent under sections thirty-seven and thirty-eight, and shall see that the Emigration Agent makes all such enquiries of the Emigrants as it may be his duty to make. If such Protector is satisfied with such enquiries but not otherwise, he shall countersign the pass delivered by the Emigration Agent.

IX.—Emigrant Vessels.

Emigrant not to be received on board unlicensed vessel.

XL. (1). It shall not be lawful to receive any Emigrant on board any vessel unless a license to carry Emigrants in such vessel has been obtained from the Local Government. The granting or withholding any such license shall be in the discretion of the Local Government.

Application for license.

(2). The Master or owner of any vessel who desires to obtain a license to carry Emigrants in such vessel, shall apply in writing through the Protector of Emigrants to the Local Government for such license.

Contents of license.

(3). Every such application shall state the number of men, women, and children proposed to be carried, and the tonnage and other particulars respecting the vessel.

Survey of vessel.

(4). The Protector of Emigrants shall cause the vessel to be carefully surveyed by a competent person, with a view to ascertain her sea-worthiness and the extent and nature of her accommodation for Emigrants, and to ascertain that she is properly ventilated and is supplied with all the tackle requisite for her voyage.

Report after survey, and certificate to Master.

(5). The Protector of Emigrants shall make a full report on the survey to the Local Government; and if he is of opinion that the vessel is in all respects suitable for the carrying of Emigrants under this Act, but not otherwise, he shall give a certificate to that effect to the Master of the vessel.

Bond to be executed by Master.

(6). In consideration of his obtaining a license to carry Emigrants, the Master of every vessel intended to carry Emigrants shall, upon the requisition of the Protector of Emigrants and before any Emigrant embarks on board of such vessel, execute in duplicate a bond, in such form as the Local Government prescribes, binding himself and his owners in a penal sum of ten thousand rupees to conform to the several conditions in this Act provided. The Protector of Emigrants shall require the Master to execute such bond as aforesaid in duplicate, and shall forward one copy of it to the Government of the place to which the Emigrants are to be carried (or in the case of a French Colony to the British Consular Agent at such Colony), and the other copy of it to the Local Government.

Space and accommodation required on board.

XLI. (1). No certificate under section forty shall be granted, unless there be provided for the Emigrants, either between decks or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

(2). No compartment shall take more than one adult Emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who has completed two and has not completed ten years of age for every eight superficial feet on deck.

(3). A distinct and separate place shall be fitted up for a hospital in every emigrant vessel.

(4). Women and children shall occupy a compartment of the vessel distinct and separate from the compartments of the single men.

(5). An Emigrant above the age of ten years shall, for the purposes of this Act, count as an adult, and two children from one to ten years of age shall count as one adult.

Provisions, fuel and water.

XLII. (1). There shall be actually laden and on board of every vessel carrying Emigrants, at the time of the departure of such vessel from the port at which they embark, (*a*) good and wholesome provisions for the use and consumption of the said Emigrants (over and above the victualling of the Captain, officers and crew, and of the cabin and other passengers, if any), in such quantity and of such description and quality as may be prescribed by any rule framed by the Governor General in Council under section fifty-six; (*b*) fuel for cooking such provisions; and (*c*) a supply of water, to the amount of seven gallons for every week of the probable length of the voyage for every Emigrant on board such vessel. Such water shall be carried in tanks to be approved by the Protector of Emigrants.

Surgeon, medicines and stores.

(2). Every such vessel shall, at the time of departure aforesaid, have actually on board and shall carry with her a properly qualified European or Native Surgeon, and such medicines and other stores in such quantity and of such quality as may be prescribed by rules made under section fifty-six.

Supply of water for vessel calling at intermediate port.

(3). When any vessel is destined to call at a port or place in the course of her voyage for the purpose of filling up her tanks, a supply of water at the rate hereinbefore mentioned, for every week of the probable length of the voyage to such port or place, shall be deemed to be a compliance with this section. The probable length of the voyage to such port or place shall be determined from time to time by the Protector of Emigrants, subject to the approval of the Local Government.

Supply in vessel fitted with distilling apparatus.

(4.) When any such vessel is fitted with Normandy's apparatus, or other apparatus approved by the Protector of Emigrants, for distilling sea-water, and with proper and sufficient means for working the same, a reduction shall be allowed of one-third in the quantity of water required under this section.

(5.) The Protector of Emigrants and the Medical Inspector of Emigrants shall see personally that all the provisions of this section are complied with. Protector and Inspector of Emigrants to ensure compliance with above provisions.

XLIII. Before any vessel carrying Emigrants clears out for any place westward of the Cape of Good Hope, between the first day of March and the fifteenth day of September, the Protector of Emigrants shall personally see that every Emigrant is supplied with at least one extra double blanket, and that the same is placed with his other clothing or luggage. Every Emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the tropics. Supply of extra clothing.

XLIV. Before any vessel licensed to carry Emigrants shall be cleared out from the port of Calcutta, Madras or Bombay, the Master of such vessel shall obtain from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for the place to which the Emigrants are intended to proceed, certificates under the hands of such Protector and Emigration Agent respectively, to the effect following, that is to say:—that such Protector and Emigration Agent have, in respect of the Emigrants proceeding in such vessel, done all that is hereinbefore required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions herein contained for ensuring the health, comfort and safety of the Emigrants have been duly complied with, as well as all such rules as the Governor General in Council from time to time frames under section fifty-six. Certificates from Protector of Emigrants and from Emigrants Agent.

X.—Embarkation.

XLV. If any Emigrant without sufficient cause refuses or neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such Emigrant to embark or to put him on board-ship against his will, or to detain him against his will at the depôt or elsewhere: but nothing in this section shall diminish or affect the civil or criminal liabilities which such Emigrant incurs by reason or in respect of his refusal or neglect aforesaid. Emigrants refusing to embark. Proviso.

Every case in which an Emigrant is charged before a Magistrate of Police in a presidency town with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such Emigrant shall, on conviction, be punished in the manner provided in section four hundred and ninety-two of the Indian Penal Code for the punishment of offences under that section.

XLVI. Emigrants may leave India for any place east of the Cape of Good Hope to which emigration is lawful under this Act at all times of the year. For any such place west of the Cape of Good Hope, Emigrants may leave only between the thirty-first day of July and the first day of March, unless they embark in vessels using steam-power, in which case they may leave at any time of the year. Provided that, in cases of emergency, the Local Government may permit Emigrants for any place west of the Cape of Good Hope to leave between the thirty-first day of July and the first day of April. Time of sailing for place east of Cape of Good Hope. For other places.

XLVII. The Protector of Emigrants shall, from the report of the Medical Inspector and by personal communication with every Emigrant before embarkation, ascertain that the Emigrant is in good health and not incapacitated from labour by old age, bodily infirmity, or disease. Emigrant unfit to undertake voyage.

If the Protector of Emigrants is of opinion that any Emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit his embarkation, and the husband, wife, father, mother, or child of such Emigrant may, notwithstanding anything therein contained, refuse to embark.

The Protector of Emigrants shall also, before the embarkation of any Emigrant, ascertain that he has in his possession the copy of the registration provided under section twenty-seven or section twenty-nine.

If it appear to the satisfaction of the Protector of Emigrants that any Emigrant has lost such copy, the Protector may furnish such Emigrant with another copy of such registration, to be made from the copy received by the Protector from the Magistrate under section twenty-seven or from the register kept by himself under section twenty-nine, and shall thereupon allow such Emigrant to embark.

Provisions of Act to be explained.

XLVIII. The Protector of Emigrants shall explain to all Emigrants, prior to their embarkation, the substance of the provisions of this Act so far as they immediately affect such Emigrants.

Procedure on embarkation.

XLIX. (1). When any Emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall furnish the Master of the vessel with five copies of a list, specifying, as accurately as may be, the names, ages and occupations and the names of the fathers of the Emigrants about to embark on board such vessel.

Emigrant to give his pass to Master.

(2). On embarkation, every Emigrant shall deliver to the Master of the vessel the pass granted to him under section thirty-eight; and the Master shall not receive any Emigrant on board unless he delivers up such pass. The Master shall compare the Emigrants who embark and the passes delivered by them with the list furnished by the Emigration Agent, and if the list appear to be correct, and to correspond with the passes delivered and with the Emigrants embarked, the Master shall sign the five copies of the list.

Protector to be personally present.

(3). The Protector of Emigrants shall be personally present at the embarkation of all Emigrants, and shall see that the Master duly compares the list with the passes and Emigrants, and he shall himself also compare the list with the passes and Emigrants.

Examination by Medical Inspector.

(4). The Medical Inspector shall also be personally present at the embarkation of all Emigrants, and shall examine each Emigrant, to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed; and the provisions of sections thirty-four, thirty-five and thirty-six shall apply, *mutatis mutandis*, to Emigrants examined under this clause.

One copy of list of Emigrants given to Protector to be signed and returned to Master.

(5). When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes them to be correct, and shall return one copy to the Master of the vessel: the other copy shall be filed in the office of the Protector of Emigrants.

Emigrant without pass not to remain on board.

(6). The Protector of Emigrants shall not permit any Emigrant to remain on board who has not a pass, or is not mentioned in the list aforesaid.

Pass to be returned to Emigrant on arrival at place of destination.

(7). Every pass delivered up to the Master of a vessel under this section shall be returned by him to the Emigrant by whom the same was delivered up, prior to such Emigrant disembarking on the arrival of the vessel at her place of destination.

Copy of list of Emigrants to be signed by Emigration Agent and returned to Master.

L. The Master of every vessel carrying Emigrants shall, after the embarkation of the Emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared out two others of the five copies of the list of Emigrants mentioned in section forty-nine, duly signed by the Master. The Emigration Agent shall thereupon sign such copies, and shall return to the Master one of the said copies, which shall on the arrival of the vessel at the place of destination and previous to the disembarkation of any Emigrant, be delivered by the Master to the Protector of Emigrants, or other the proper officer, at such place.

And by him to be delivered at place of destination.

Protector to send list of Emigrants to Government of place to which they sail.

LI. The Protector of Emigrants shall, by every vessel which carries Emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the Emigrants embark, a correct and detailed list of all Emigrants embarked in such vessel, compiled from

the passes of the Emigrants and from the list signed by the Masters in aforesaid.

Vessel sailing from Calcutta to depart within twenty-four hours of embarkation.

LII. The Master of every vessel carrying Emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked.

Vessels sailing from Calcutta to be towed to sea.

LIII. Every vessel sailing from the port of Calcutta with Emigrants shall proceed from Garden Reach to sea under tow of a competent steamer.

Copies of Act and rules to be kept on board.

LIV. Two copies of this Act and of all rules made by the Governor General in Council under section fifty-six, and two copies of a translation of this Act and of such rules, in such language or languages as the Local Government may direct, shall be delivered to the Master of every vessel carrying Emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage. One of such copies or translations shall, upon request made at any reasonable time to the Master of the vessel, be produced to any Emigrant or passenger for his perusal

Taking Emigrants for Seychelles to quarantine-station of Mauritius.

LV. In case of sickness breaking out on board of any vessel conveying Emigrants to Seychelles, such Emigrants may be taken to the quarantine-station of Mauritius. In such case the Emigrants may, at their opinion, contract for service at Mauritius, or may proceed to Seychelles. If they elect to contract for service in Mauritius, such Emigrants shall then be regarded and treated, in all respects, as if they had emigrated to Mauritius under the provisions of this Act.

XI.—Supplementary Powers.

Power of the Governor General in Council to make rules.

LVI. The Governor General in Council may from time to time make rules consistent with this Act, (1) to regulate the proportion of women to be taken with Emigrants, the proportion of children to be taken with adults, and the age below or above which children shall not be taken; (2) to prescribe the description, quantity and quality of provisons to be taken by vessels carrying Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the Emigrants; (3) to provide for the medical care of Emigrants during their residence at the depôts and on their voyages; (4) to prescribe the nature, quality and quantity of Medical drugs and other stores to be carried on board such vessels; (5) to provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire; (6) to provide for a Journal being kept by the Surgeon of every such vessel, of the health of the Emigrants, and of his treatment of the sick, together with full explanations of the causes of every death; (7) and generally to provide for the security, well-being, and protection of Emigrants. All such rules shall be published in the *Gazette of India* and shall have effect as if they were contained in this Act. Provided that, in cases of emergency, the Local Government may permit any vessel carrying Emigrants to leave port, although the proportion of women or children embarked on board such vessel is not in accordance with the said rules.

Power to prohibit emigration to any place to which emigration is allowed.

LVII. Whenever the Governor General in Council has reason to believe that in any place to which emigration is lawful under this Act, proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage. The Governor General in Council may, by notification published in the *Gazette of India*, declare that emigration to

such place shall cease and be prohibited from a certain day to be specified in the notification.

Emigration to place mentioned to be suspended.

LVIII. After any notification has been published under section fifty-seven, emigration to such place as is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

During suspension, laws against emigration to be in force as to place specified.

LIX. During the time of such suspension any provisions of this Act prohibiting emigration, or the aiding or abetting of emigration, or the making of any contract for labour to be performed by any Native of India out of the British territories in India, shall take effect so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

Revocation of suspension.

LX. Whenever the Governor General in Council is satisfied that, in the place specified in any notification under section fifty-seven, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return-passages to India for such Emigrants at or about the time at which they are entitled to such return-passages, the Governor General in Council may notify in the *Gazette of India* that emigration to such place shall again be allowed from a day to be specified in such notification. Thereupon all the provisions of this Act authorizing emigration to such place shall, from the day so specified, be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

Power to prohibit emigration.

LXI. Whenever the Governor General in Council or the Local Government has reason to believe that, in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out, or that proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage, the Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the Local Gazette (as the case may be,) declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Governor General in Council under this section may be cancelled by notification in the *Gazette of India*.

Any notification issued by the Local Government under this section may be cancelled by order of the Governor General in Council or by the Local Government.

Power to increase fees.

LXII. The Governor General in Council may, from time to time by notification in the *Gazette of India*, increase any fee payable under sections eleven, nineteen and thirty-one, and may also in like manner reduce to its present amount any fee so increased. Provided that no fee shall be increased under this section by more than double such amount.

XII.—Special Provisions as to French Colonies.

Notification of Agents for Presidency towns.
Proviso.

LXIII. The French Government may nominate a person to be Emigration Agent under this Act for each of the ports of Calcutta, Madras and Bombay: Provided that such person, before entering on the duties of his office under this Act, has been approved by Her Majesty.

Power of Agents.

LXIV. The Emigration Agents so nominated and approved as aforesaid shall be authorized, under the conditions prescribed in this Act, to

recruit and engage Native Labourers for all or any of the French Colonies aforesaid.

Operations of recruitment.

LXV. The said Emigration Agents shall act in conformity with the regulations now or hereafter existing for the recruitment of Native Labourers for British Colonies, and shall, with regard to the operations of recruitment which are entrusted to them, enjoy for themselves and the persons whom they may employ in the management of the said operations, all the facilities and the advantages afforded to the Emigration Agent for British Colonies.

Protector of Emigrants.

LXVI. The Protector of Emigrants at each of the three British ports aforesaid, shall act for the British Government as Protector of Labourers emigrating under the provisions of this Act. In French ports in India the duty imposed on the British Consular Agents by Article V of the Convention printed in the third schedule hereto annexed shall be performed under such instructions as may be given by the Governor General in Council in this behalf.

Contracts of service, with certain exceptions, to be made in India.

LXVII. All contracts of service made with Labourers emigrating to French Colonies under this Act, except the contracts mentioned in clause four of Article IX and clause two of Article X of the said Convention, shall be made in India, and shall bind the Emigrant either to serve a person designated by name, or to serve a person to whom he is allotted by the proper authorty on his arrival in the Colony to which he emigrates.

Effect of contract.

Matters to be provided for in contract.

LXVIII. The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for (1) the duration of the engagement at the expiration of which the Emigrant shall receive a return passage to India at the expense of the French Government, and the terms on which he may abandon or renounce his right to a free return-passage ; (2) the number of days and hours of work ; (3) the wages and rations as well as the rate of payment for extra work, and all the advantages promised to the Emigrant ; (4) gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness has arisen from his own misconduct ; (5) in every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the said Convention.

Power to extend Act to French Colonies not expressly named.

LXIX. The Governor General in Council may, by order to be published in the *Gazette of India*, extend this Act to any other French Colony not expressly named herein, at which a British Consular Agent is established, and to which the application of the said Convention shall be extended, and in such order may declare the probable length of the voyage to such Colony. Such declaration shall have the same effect as if it formed part of this section.

Vessel to carry European Surgeon and Interpreter.

LXX. Every emigrant vessel sailing to a French Colony shall carry an European Surgeon and an Interpreter.

XIII.—Penalties.

For making unlawful contract of labour.

LXXI. Whoever, except under and in conformity with the provisions of this Act, makes any contract with any Native of India for labour to be performed in any place beyond British India to which emigration is not authorized under this Act, shall be deemed to have committed the offence specified in section three hundred and sixty-three of the Indian Penal Code; and whoever knowingly enables or assists any Native of India to emigrate to any such place, or aids in or abets the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

For recruiting without being licensed.

LXXII. Whoever, not being a Recruiter duly licensed under this Act, acts or is employed as a Recruiter of Labourers, or, contrary to the provisions of this Act, enters into any contract with a Native of India for labour to be performed by such Native in any place beyond British India, shall be liable to a fine not exceeding five hundred rupees.

For Recruiter failing to take engaged Emigrants before Magistrate or Protector.

LXXIII. Whoever, being a duly licensed Recruiter, removes any Emigrant whom he may engage in any district or place other than the towns of Calcutta, Madras or Bombay, from such district or place, without such Emigrant having appeared along with the Recruiter before a Magistrate in order that the Emigrant might be examined and registered; and whoever removes any Emigrant whom he may engage in any one of the towns of Calcutta, Madras or Bombay, from such town, or to an Emigration Depôt, without such Emigrant having appeared with the Recruiter before the Protector of Emigrants in order that the Emigrant might be examined and registered; and whoever by means of intoxication, violence, fraud, or false pretences induces any Native of India to enter into a contract for labour to be performed by him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract; and whoever fails to supply any Emigrant whom he has engaged, and who is registered, with suitable food, or otherwise ill-treats such Emigrant on his journey to the depôt; and whoever forwards, sends or conveys any such Emigrant otherwise than is provided in section thirty-two, or to any house or place in or near the towns of Calcutta, Madras or Bombay, respectively, other than the depôt for the Emigrants for the place at which such Emigrant has contracted to labour shall be liable to a fine not exceeding five hundred rupees.

For fraudulently inducing labourer to contract.

For not supplying proper food.

For not taking Emigrant to depôt.

For forwarding Emigrants or allowing them to go without being duly registered.

LXXIV. Whoever, being a duly licensed Recruiter, forwards or sends any Emigrant from the district or town in which he has entered into an engagement, to any Emigration Depôt, without such Emigrant having been duly registered in accordance with the provisions of sections twenty-seven and twenty-nine; and whoever, being a duly licensed Recruiter, induces or knowingly permits any such Emigrant to leave such district or town, or to proceed to any Emigration Depôt, for the purpose of emigrating to any place, without the Emigrant being duly registered as aforesaid, shall be liable to a fine not exceeding five hundred rupees.

For false representation of Government authority.

LXXV. Whoever, without lawful authority, issues any written order to the Police to assist himself or any other person to procure Labourers to proceed to any place beyond British India, or falsely represents that such Labourers are required by the Government or are to be engaged on behalf of Government, shall be liable to a fine not exceeding five hundred rupees.

For receiving Emigrants in unlicensed vessel.

LXXVI. The Master of any vessel which has not been licensed as provided in section forty, knowingly receiving any Emigrant on board in order to convey such Emigrant to any place contrary to the provisions of this Act, shall be liable to imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand rupees for every such Emigrant received on board, and the vessel shall be liable to be forfeited.

For clearing ship without complying with rules.

LXXVII. If the Master of any vessel, at the port of Calcutta, the port of Madras, or the port of Bombay, clears such vessel for any place to which emigration is lawful under this Act, and takes on board any Emigrant without having fully complied with every particular required in sections forty-one and forty-two, he shall be liable to a fine not exceedidg two hundred rupees for every Emigrant so taken on board.

For taking on board after clearance Emigrants not entered in list.

LXXVIII. If the Master of any vessel, after having cleared such vessel for any place to which emigration is lawful under this Act, takes on board any Emigrant without such Emigrant having been duly entered in the lists mentioned in sections forty-nine and fifty, and in the manner in those sections prescribed, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

For fraudulent acts whereby certificate becomes inapplicable to vessel.

LXXIX. If after having obtained a certificate in accordance with the provisions of section forty, the Master of any vessel cleared for any place to which emigration is lawful under this Act, fraudulently does, or suffers to be done, any act or thing whereby such certificate becomes inapplicable

to the altered state of the vessel or other matter to which such certificate relates, he shall be liable to a find not exceeding five thousand rupees, and he may also be sued on any bond which he may have executed in consideration of any license obtained for the vessel as originally described.

For proceeding to sea without steam.

LXXX. If the Master of a vessel sailing from the port of Calcutta, licensed under section forty and sailing with Emigrants on board, without reasonable excuse causes or allows his vessel to proceed from Garden Reach to sea, or to proceed any part of the distance between Garden Reach and the sea, without his vessel being under tow of a comptent steamer, or if such vessel has not left Garden Reach and proceeded on her voyage within the time prescribed in section fifty-two, the Master of such vessel shall be liable to a fine not exceeding one thousand rupees.

Customs officers may search and detain for purposes of this Act.

LXXXI. All the powers vested by law in the officers of Customs in regard to the searching and detention of vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of Emigrants on board vessels bound for any place to which emigration is lawful under this Act, and of other offences against this Act.

Prosecutions under this Act where and how instituted.

LXXXII. All prosecutions under this Act shall be instituted on information laid at the instance of an Emigration Agent, or of a Protector of Emigrants, or of an officer appointed for the purpose by the Local Government, before a Magistrate of Police, or before a Magistrate, according as they shall be instituted for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras and Bombay. All fines imposed under this Act may be recovered, if for offences committed outside the limits of the said towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Mode of recovering fines.

XIV.—Miscellaneous.

Probable length of voyages to places mentioned in section twenty three.

LXXXIII. The probable length of the voyages to the places mentioned in section twenty-three, from Calcutta, Madras or Bombay, respectively, shall, for the purposes of this Act, and in the case of sailing vessels, be deemed to be as follows:—

From Calcutta

To Mauritius, Seychelles and Réunion ...	Between the months of April and October inclusive, ten weeks; and between the months of November and March inclusive, eight weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies.	Twenty weeks.
To French Guiana	Twenty-six weeks.
To Natal	Twelve weeks.

From Madras

To Mauritius, Seychelles and Réunion ...	Between the months of April and October inclusive, seven weeks; and between the months of November and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe, and its dependencies, and French Guiana ...	Nineteen weeks.
To Natal	Ten weeks.

From Bombay

To Mauritius, Seychelles and Réunion ...	Between the months of April and September inclusive, five weeks; and between the months of October and March inclusive, six weeks.

To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe, and its dependencies, and French Guiana.... } Nineteen weeks.
To Natal ... ... Ten weeks.

In the case of vessels propelled either wholly or in part by steam, the Local Government may, by notification in the official Gazette, fix, for the purposes of this Act, the probable length of the voyages aforesaid.

Notification legalizing emigration to new place to give probable length of voyages thither.

LXXXIV. Every notification under section twenty-four shall state the probable length of the voyages from Calcutta, Madras and Bombay, respectively, to every place to which emigration is thereby authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

Exercise of powers of Magistrate of the District under this Act.

LXXXV. The Local Government may from time to time authorize any person invested with the powers of a Magistrate, as defined in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the District. Every person so authorized shall, in all respects for the proposes of this Act, be deemed to be included in the words "the Magistrate."

Act and rules made under it not to apply to certain vessels.

LXXXVI. Nothing in this Act or in any rule to be made by the Governor General in Council under section sixty-one shall apply to any vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's vessels.

THE FIRST SCHEDULE.

(*Referred to in Section* 2.)

Number and year.	Title.
XLVI of 1860 ...	To authorize and regulate the Emigration of Native Labourers to the French Colonies.
VII of 1862 ...	To amend Act XLVI of 1860 (to authorize and regulate the Emigration of Native Labourers to the French Colonies.)
XIII of 1864 ...	To consolidate and amend the laws relating to the Emigration of Native Labourers.
VI of 1869 ...	To amend the law relating to the Emigration of Native Labourers.
VI of 1870 ...	To enable the Governor General in Council to increase the fee payable under section thirtyone of the Emigration Act.

THE SECOND SCHEDULE.

(*Referred to in Section* 19).

OFFICE OF THE PROTECTOR OF EMIGRANTS AT THE PORT OF

A B is hereby licensed under the Indian Emigration Act, 1871, to be a Recruiter for engaging persons to proceed to for the purpose of labouring for hire.

This license will be in force for one year only from this date.

Dated the day of

(Signed) C. D.,
Protector of Emigrants.

THE THIRD SCHEDULE.

(*Referred to in Sections* 66, 67 *and* 68.)

Convention between Her Majesty and the Emperor of the French relative to the Emigration of Labourers from India to the French Colonies, with an additional Article thereto annexed.

SIGNED AT PARIS, JULY 1861.

[*Ratifications exchanged at Paris, July 30th*, 1861.]

His Majesty the Emperor of the French having made known, by a declaration dated this day(1st July 1861), his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French Colonies, their said Majesties have resolved to conclude a Convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles, Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in due form, have agreed upon the following Articles :—

ARTICLE I

The French Government shall be at liberty to recruit and engage labourers for the French Colonies in the Indian Territories belonging to Great Britain, and embark emigrants, being subjects of Her Britannic Majesty, either in British or French Ports in India, under the conditions hereinafter stipulated.

ARTICLE II.

The French Government shall entrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the *Exequatur* given to Consular Agents.

ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British Colonies.

ARTICLE IV.

The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the Recruiting Agents for British Colonies.

ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those British ports where emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents" are comprised Consuls, Vice-Consuls, and all other Commissioned Consular Officers.

ARTICLE VI.

No emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself, either that the emigrant is not a British subject or, or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

ARTICLE VII

The contract of service, with the exception provided for by section 4 of Article IX, and by section 2 of article X, shall be made in India, and shall either bind the emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony.

ARTICLE VIII

The contracts shall, moreover, make stipulation for :—

1. The duration of the engagement, at the expiration of which the emigrant shal receive a return-passage to India at the expense of the French Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-prssage.
2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work and all the advantages promised to the emigrant.

4. Gratuitous medical treatment for the emigrant, except in cases where in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement, there shall be inserted an exact copy of Articles IX, X, XX and XXI of the present Convention.

ARTICLE IX.

1. The duration of the immigrant's engagement shall not be more than five years In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India, shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of this second engagement.

The right of the immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

ARTICLE X.

The immigrant shall not be bound to work more than six days in seven nor more than nine hours and a half a day.

The conditions of task-work and every other kind of regulation for work shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

ARTICLE XI.

In British ports, the arrangements which precede the departure of the emigrants shall be conformable to those prescribed by the regulations for the British Colonies.

In French ports, the Emigration Agent or his deputies shall on the departure of every emigrant ship, deliver to the British Consular Agent a nominal list of the emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies.

In such case, only one copy shall be given of all contracts of which the provisions are identical.

ARTICLE XII.

In the ports of embarkation, the emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the depôts, or other place in which they may be lodged, in order to communicate with the British Agents, who, on their part, may at any reasonable hour visit the places in which the emigrants, subjects of Her Britannic Majesty, are collected or lodged.

ARTICLE XIII.

Emigrants may leave India for the Colonies to the East of the Cape of Good Hope at all times of the year.

For other Colonies they may leave only from the first of August to the fifteenth of March. This arrangement applies only to sailing vessels; vessels using steam-power may leave at any time of the year.

Every emigrant sailing from India for the Antilles between the first of March and the fifteenth of September, shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the Tropics.

ARTICLE XIV.

Every emigrant vessel must carry an European Surgeon and an Interpreter.

The Captains of emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by the British Agent at the port of embarkation for the British Consular Agent at the port of destination, and to deliver it to the Colonial Government immediately after his arrival.

ARTICLE XV.

In every vessel employed for the conveyance of emigrants, subjects of Her Britannic Majesty, the emigrants shall occupy, either between decks, or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclu-

sive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

No compartment shall take more than one adult emigrant for every cubic space of seventy-two feet in the Presidency of Bengal and at Chandernagore, and for every cubic space of sixty feet in other French ports, and in the Presidencies of Bombay and Madras.

An emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

ARTICLE XVI.

Each shipment of emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more, it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

ARTICLE XVII.

The British Agents at the emarkation shall have, at all reasonable times, the right of access to every part of the ship which is appropriated to the use of emigrants.

ARTICLE XVIII.

The Governors of the French establishments in India shall make such administrative regulations as may be necessary to insure the complete execution of the preceding stipulations.

ARTICLE XIX.

On the arrival of an emigrant ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received for him, together with.—

1. A nominal list of all labourers disembarked who are subjects of Her Britannic Majesty.

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the emigrants before their distribution in the Colony.

A copy of the "List of Distribution" shall be delivered to the Cosular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return-passage.

Every fresh engagement, or act of renunciation of the right to a free return-passage, shall be communicated to the Consular Agent.

ARTICLE XX.

All immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy, in the French Colonies, the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the labourer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

ARTICLE XXI.

In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entile them to a free return-passage.

ARTICLE XXII.

All operations of immigration may be carried on in the French Colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of police, health, and equipment which may apply to French vessels.

Article XXIII.

The labour regulations of Martinique shall serve as the basis for all the regulations of the French Colonies into which Indian Emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification, the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

Article XXIV.

The present Convention applies to emigration to the Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

Article XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the Natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

Article XXVI.

The present Convention shall begin to take effect on the first of September 1861, and shall continue in full force for three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of September of the third year, and then notice can be given only in the course of the month of September of each succeeding year.

In case of notice being given for its termination, it shall cease eighteen months afterwards.

Nevertheless the Governor General of British India in Council shall, in conformity with the Act of the 19th of September, 1856, relative to immigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the emigrants immediately upon their arrival or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage.

In case, however, the power thus reserved to the Governor General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favour of the said Indian subjects until they shall either have been sent back to their own country, or have renounced their right to a return-passage to India.

Article XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Done at Paris, the first day of July, in the year of Our Lord one thousand eight hundred and sixty-one.

(L. S.) COWLEY.

(L. S.) THOUVENEL.

Additional Article.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African emigrants should be introduced into the Island of Réunion, that Colony has, since last year, had to obtain labourers from India and China; and Her Britannic Majesty having, by a Convention signed on the 25th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Réunion to recruit six thousand labourers in Her Indian possessions it is agreed that the Convention of this date shall take effect forthwith, with regard to the said Colony of Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July 1861.

(L. S.) COWLEY.
(L. S.) THOUVENEL.

ACT VIII. OF 1871.

(Received the assent of the Governor General on the 24th March 1871.)

THE INDIAN REGISTRATION ACT, 1871.

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AN ACT FOR THE REGISTRATION OF DOCUMENTS.

WHEREAS it is expedient to consolidate and amend the laws relating to the registration of documents; it is hereby enacted as follows :— Preamble.

PART I.

PRELIMINARY.

I. This Act may be called "The Indian Registration Act, 1871:" it extends to the whole of British India, except such districts or tracts of country as the Local Government may from time to time, with the previous sanction of the Governor General in Council, exclude from its operation; and it shall come into force on the first day of July 1871. Short title. Local extent. Commencement.

II. On and from that day the enactments mentioned or referred to in the first schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule. But all appointments, noti- Repeal of enactments.

fications, rules and orders made, and all offices established, under any of the said enactments shall be deemed to have been, respectively, made and established under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of July 1871, to any enactment hereby repealed, shall be read as if made to the corresponding section of this Act. And nothing herein contained affects Act No. XX of 1866, so far as relates to the procedure upon any agreement recorded under section fifty-two of that Act at any time before that day, or the procedure provided by that Act for the registration and deposit of authorities to adopt executed before the first day of January 1872. And so far as regards suits instituted before the first day of April 1873, nothing herein contained affects Act No. XIV of 1859, section one, clause ten, as amended by Act No. XX of 1866, section twenty-seven.

Interpretation clause.

"Lease."
"Signature."
"Signed."
"Immoveable property."
"Moveable property."
"Book."
"Endorsement."
"Endorsed."
"Minor."
"Representatives."
"Addition."
"District Court."
"District." "Subdistrict."

III. In this Act, unless there be something repugnant in the subject or context, lease" includes a counterpart, a kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease; "signature" and "signed" include and apply to the affixing of a mark; "immoveable property" includes land, buildings, rights to ways, ights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass; "moveable property" includes stand timber, growing crops and grass, fruit upon and juice in trees, and property of every other description except immoveable property; "book" includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book; "endorsement" and "endorsed" include and apply to an entry in writing by a Registering Officer on a rider or covering slip to any document tendered for registration undre this Act: "minor" means a person who, according to the personal law to which he is subject, has at nottained majority: "representative" includes the guardian of a minor and the Committee or other legal curator of a lunatic or idiot: "addition" means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of a Native, his caste (if any) and his father's name, or, when he is usually described as the son of his mother, then his mother's name: "District Court" includes the High Court in its ordinary original civil jurisdiction; and "District" and "Subdistrict" respectively mean a District and Sub-district formed under this Act.

PART II.

Of the Registration Establishment.

Inspector General.

IV. The Local Government shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government, or may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers, and within such local limits, as the Local Government from time to time appoints in this behalf.

Branch Inspector General of Sindh.

The Governor of Bombay in Council may also, with the previous consent of the Governor General in Council, appoint an officer to be Branch Inspector General of Sindh who shall have all the powers of an Inspector General under this Act other than the power to frame rules hereinafter conferred.

Any Inspector General or the Branch Inspector General of Sindh may hold simultaneously any other office under Government.

Districts and Sub-districts.

V. For the purposes of this Act the Local Government shall form Districts and Sub-districts, and shall prescribe and may from time to time alter the limits of such Districts and Sub-districts.

The Districts and Sub-districts formed under this section together with the limits thereof and every alteration of such limits, shall be notified in the local official Gazette. Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

Registrars and Sub-Registrars.

VI. The Local Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-districts formed as aforesaid, respectively.

Offices of Registrar and Sub-Registrar

VII. The Local Government shall establish in every District an office to be tyled the Office of Registrar and in every Sub-district an office to be styled the Office of the Sub-Registrar and may amalgamate with any Office of a Registrar any Office of a Sub-Registrar.

Inspector of Registration Offices.

VIII. The Local Government may also appoint officers to be called Inspectors of Registration Offices, and may from time to time prescribe the duties of such officers. Every such Inspector shall be subordinate to the Inspector General.

Military Cantonments may be declared Sub-districts or Districts.

IX. Every Military Cantonment where there is a Cantonment Magistrate may (if the Local Government so direct) be, for the purposes of this Act, a Sub-district or a District, and such Magistrate shall be the Sub-Registrar or the Registrar, of such Sub-district or District as the case may be.

Whenever the Governor General in Council declares any Military Cantonment beyond the limits of British India to be a Sub-district or a District for the purposes of this Act, he shall also declare, in the case of a Sub-district what authorities shall be Registrar of the District and Inspector General, and in the case of a District, what authority shall be Inspector General, with reference to such Cantonment and the Sub-Registrar or Registrar thereof.

Absence of a Registrar from his District or vacancy in his office.

X. Whenever any Registrar, other than the Registrar of a District including a Presidency town, is absent otherwise than on duty in his District, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar Office is situate, shall be the Registrar during such absence or until the Local Government fills up the vacancy.

Whenever the Registrar of a District including a Presidency town is absent otherwise than on duty in his District, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

Absence of Registrar on duty in his District.

XI. Whenever any Registrar is absent from his office on duty in his District, he may appoint any Sub-Registrar or other person in his District to perform during such absence, all the duties of a Registrar, except those mentioned in sections sixty-eight and seventy-two.

Absence of Sub-Registrar or vacancy in his office.

XII. Whenever any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the District appoints in this behalf shall be Sub-Registrar during such absence, or until the Local Government fills up the vacancy.

Appointments under sections 10, 11 or 12 to be reported to Government.

Suspension, removal and dismissal of Registering Officers.

XIII. All appointments made under section ten, section eleven, or section twelve shall be reported to the Local Government by the Inspector General. Such report shall be either sepecial or general, as the Local Government directs. The Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

Remuneration and establishments of Registering Officers

XIV. Subject to the approval of the Governor General in Council, the Local Government may assign such salaries as such Government from time to time deems proper to the Registering Officers appointed under this Act, or provide for their remuneration by fees, or partly by fees and partly by

salaries. The Local Government may allow proper establishments for the several offices under this Act.

Scale of Registering Officers.

XV. The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the Local Government directs :—" The seal of the Registrar (*or* of the Sub-Registrar) of———."

Register Books.

XVI. The Local Government shall provide for the office of every Registering Officer the books necessary for the purposes of this Act. The

Forms.

books so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Fire-proof boxes.

The Local Government shall supply the office of every Registrar with a fire-proof box, and shall in each District make suitable provision for the safe custody of the records connected with the registration of documents in such District.

PART III.

Of Registrable Documents.

Documents of which registration is compulsory.

XVII. The documents next hereinafter mentioned shall be registered if the property to which they relate is situate in a District in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or Act No. XX of 1866, or this Act came or comes into force (that is to say), (1) instruments of gift of immoveable property; (2) other instruments (not being wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property; (3) instruments (not being wills) which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and (4) leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent: Provided that the Local Government may, by order published in the official Gazette, exempt from the operation of the former part of this section any leases executed in any District, or part of a District, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

Exception of composition-deeds, and of transfers of shares and debentures in Land Companies.

Nothing in clauses (2) and (3) of this section applies (*a*) to any composition-deed, (*b*) to any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property, or (*c*) to any endorsement upon or transfer of any debenture issued by any such Company.

Authorities to adopt.

Authorities to adopt a son, executed after the first day of January 1872 and not conferred by a will, shall also be registered.

Documents of which the registration is optional.

XVIII. Any of the documents next hereinafter mentioned may be registered under this Act (that is to say),—(1) instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immoveable property; (2) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation, or extinction of any such right, title or interest; (3) leases of immoveable property for any term not exceeding one year, and leases exempted under section seventeen; (4) awards relating to immoveable property; (5) instruments which purport or operate to create, declare, assign, limit or extinguish any right, title, or interest to or in, immoveable proprty; (6) Wills: (7) Acknowledgments, Agreements

Appointments, Articles of Partnership, Assignments, Awards, Bills of Exchange, Bills of Sale, Bonds, Composition Deeds, Conditions of Sale, Contracts, Certified copies of Decrees and Orders of Courts, Covenants Grants, Instruments of Dissolution of Partnership, Instruments of Partition, Powers of Attorney, Promissory Notes, Releases, Settlements, Writings of Divorcement, and all other documents not hereinbefore mentioned.

Documents in language not understood by Registering Officer.

XIX. If any document duly presented for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the District and also by a true copy.

Documents containing interlineations, blanks, erasures or alterations.

XX. The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure, or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration. If he register such document, he shall, at the time of registering the same, make a note in the Register of such interlineation, blank, erasure or alteration.

Description of parcels.

XXI. (*a*) No document not testamentary relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(*b*) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occcupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

Documents containing maps or plans.

(*c*) No document not testamentary containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several Districts, by such number of true copies of the map or plan as are equal to the number of such Districts.

Failure to comply with rules as to description of houses and land.

XXII. Failure to comply with the provisions contained in section twenty-one, clause (*b*) shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property.

PART IV.

OF THE TIME OF PRESENTATION.

Time for presenting documents of which registration is compulsory.

XXIII. Subject to the provisions contained in sections twenty-four, twenty-five and twenty-six, no document required by section seventeen to be registered, and no document mentioned in section eighteen, other than a will, shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution, or in the case of a copy of a decree or order, within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final. Provided that, where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

Provision where delay in presentation is unavoidable.

XXIV. If owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in British India, is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay

in presentation does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, such document shall be accepted for registration.

Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

Documents executed out of British India.

XXV. When a document purporting to have been executed by all or any of the parties out of British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registering Officer, if satisfied, (1) that the instrument was so executed, and (2) that it has been presented for registration within four months after its arrival in British India, may, on payment of the proper registration fee, accept such document, for registration.

Provision where office is closed on last day of period for presentation.

XXVI. Whenever a Registration Office is closed on the last day of any period hereinbefore provided for the presentation of any document, such last day shall, for the purposes of this Act, be deemed to be the day on which the office re-opens.

Wills may be presented or deposited at any time.

XXVII. A will may at any time be presented for registration or deposited in manner hereinafter provided.

PART V.

Of the Place of Registration.

Place for registering documents relating to land.

XXVIII. Save as in this Part otherwise provided, every document mentioned in section seventeen, clauses (1), (2), (3), and (4), and section eighteen, clauses (1), (2), (3), and (4), shall be presented for registration in the office of a Sub-Registrar within whose Sub-district the whole or some portion of the property to which such document relates is situate.

Place for registering other documents.

XXIX. Every document other than a document referred to in section twenty-eight and a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose Sub-district the document was executed, or in the office of any other Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose Sub-district the original decree or order was made, or, where the decree or order does not affect immoveable property, in the office of any other Sub-Registrar under the Local Government at which all the persons claiming under the decree or order desire the copy to be registered.

Registration by Registrar.

XXX. (*a.*) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

Registration by Registrar at Presidency Town.

(*b.*) The Registrar of a District including a Presidency town may receive and register any document referred to in section twenty-eight without regard to the situation in any part of British India of the property to which the document relates.

Registration or acceptance for deposit at private residence.

XXXI. In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer whose duty it is to register the same. But such officer may on special cause being shown attend at the residence of any person intending to register any document which would ordinarily be registered at such office, or of any person desiring to deposit a will, and register or accept for registration or deposit such document or will.

PART VI.

Of Presenting Documents for Registration.

Persons to present documents for registration.

XXXII. Except in the case mentioned in section thirty-one, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper Registration office

by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or by the representative or assign of such person, or by the agent of such person, representative or assign, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

Powers of attorney recognizable for purposes of section 32.

XXXIII. For the purposes of section thirty-two, the powers of attorney next hereinafter mentioned shall alone be recognized (that is to say), (*a*) if the principal at the time of executing the power of attorney resides in any part of British India in which this Act is for the time being in force, a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-district the principal resides; (*b*) if the principal at the time aforesaid resides in any other part of British India, a power of attorney executed before and authenticated by any Magistrate; (*c*) if the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India: Provided that the following persons shall not be required to attend at any Registration Office or Court for the purpose of executing any such power of attorney as is mentioned in clauses (*a*) and (*b*) of this section:—persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend, persons who are in jail under civil or criminal process, and persons exempt by law from personal appearance in Court.

Proviso as to persons infirm, or in jail, or exempt from appearing in Court.

In every such case the Registrar, or Sub-Registrar, or Judge (as the case may be), if satisfied that the power of attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

Any power of attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

Enquiry before registration by Registering Officer.

XXXIV. Subject to the provisions contained in this Part and in sections forty-one, forty-three, forty-five, sixty-nine, seventy-six, and eighty-six, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the Registering Officer within the time allowed for presentation: Provided that if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, the document may be registered. Such appearances may be simultaneous or at different times.

The Registering Officer shall thereupon (*a*) enquire whether or not such document was executed by the persons by whom it purports to have been executed; (*b*) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and (*c*) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

Procedure on admission of execution.

XXXV. If all the persons executing the document appear personally before the Registering Officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document; or, in the case of

any person appearing by a representative, assign or agent, if such representative, assign or agent admits the execution; or, if the person executing the document is dead, and his representative or assign appears before the Registering Officer, and admits the execution, the Registering Officer shall register the document as directed in sections fifty-eight to sixty-one inclusive.

The Registering Officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

Procedure on denial of execution, &c.

If all or any of the persons by whom the document purports to be executed deny its execution, or if any such person appear to be a minor, an idiot, or a lunatic, or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the Registering Officer shall refuse to register the document.

Nothing in section thirty-four, or the former part of this section, applies to copies of decrees or orders.

PART VII.

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

Procedure where appearance of executant or witness is desired.

XXXVI. If any person presenting any document for registration desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the Registering Officer may, in his discretion, call upon such officer or Court as the Local Government from time to time directs in this behalf to issue a summons requiring him to appear at the Registration Office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

Officer or Court to issue and cause service of summons.

XXXVII. The Officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

Persons exempt from appearance at Registration Office.

XXXVIII. A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the Registration Office, a person in jail under civil or criminal process, and persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the Registration Office, shall not be required so to appear. In every such case, the Registering Officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

Law as to summonses, commissions and witnesses.

XXXIX. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued, and any person summoned to appear under the provisions of this Act.

PART VIII.

OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

Persons entitled to present wills and authorities to adopt.

XL. The testator or any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration, and the donor or donee of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

Registration of wills and authorities to adopt.

XLI. A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

A will or authority to adopt presented for registration by any other person entitled to present it, shall be registered if the Registering Officer

is satisfied, (1) that the will or authority was executed by the testator or donor, as the case may be, (2) that the testator or donor is dead, and (3) that the person presenting the will or authority is, under section forty, entitled to present the same.

PART IX.

OF THE DEPOSIT OF WILLS.

Deposit of wills.

XLII. Any testator may either personally or by duly authorized agent deposit with any Registrar the will in a sealed cover superscribed with the name of the depositor and the nature of the document.

Procedure on deposit of wills.

XLIII. On receiving such sealed cover, the Registrar, if satisfied that the depositor is the testator, or his duly authorized agent, shall transcribe in his Register Book No. 5 the superscription on such sealed cover, and note in the register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover. The Registrar shall then place and retain the sealed cover in his fire-proof box.

Withdrawal of sealed cover deposited under section 42.

XLIV. If the depositor of any such sealed cover wishes to withdraw it, he may apply to the Registrar with whom it has been so deposited for the delivery of the cover; and the Registrar, if satisfied as to the identity of the depositor with the applicant, shall deliver the cover accordingly.

Proceedings on death of depositor.

XLV. If, on the death of the depositor of a sealed cover under section forty-two, application be made to the Registrar with whom it has been deposited to open the same, the Registrar, if satisfied that the depositor is dead, shall, in the applicant's presence, open the cover, and copy, at the applicant's expense, the contents thereof in his Book No. 3. When such copy has been made, the Registrar shall re-deposit the original will.

Re-deposit.

Saving of Act X of 1865, section 259.

XLVI. Nothing hereinbefore contained shall affect the provisions of the Indian Succession Act, section two hundred and fifty-nine, or the power of any Court by order to compel the production of any will. But whenever any such order is made, the Registrar shall copy the will in his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

PART X.

OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

Time for which registered document operates.

XLVII. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

Registered documents relating to property when to take effect against oral agreements.

XLVIII. All documents, not testamentary, duly registered under this Act, and relating to any property whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

Effect of non-registration of documents required to be registered.

XLIX. No document required by section seventeen to be registered shall affect any immoveable property comprised therein, or confer any power to adopt, or be received as evidence of any transaction affecting such property or conferring such power, unless it has been registered in accordance with the provisions of this Act.

Registered documents relating to land, of which registration is optional, to take effect against unregistered documents.

L. Every document of the kinds mentioned in clauses (1) and (2) of section eighteen, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

Explanation.—In cases where Act No. XVI of 1864 or Act No XX of 1866 was in force in the place and at the time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and, where the document is executed after the first day of July 1871, not registered under this Act.

PART XI.

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

(*A*) *As to the Register Books and Indexes.*

Register Books to be kept in the several offices.

LI. The following books shall be kept in the several offices hereinafter named (that is to say)—In all Registration Offices, Book 1 "Register of documents relating to immoveable property;" Book 2, "Record of reasons for refusal to register;" Book 3, "Register of wills and authorities to adopt" and Book 4, "Miscellaneous Register." In the Offices of Registrars,—Book 5, "Register of deposits of wills."

In Book 1 shall be entered or filed all documents or memoranda registered under the first four clauses of sections seventeen and eighteen and all other documents mentioned in section eighteen, clause (7) which relate to immoveable property.

In Book 4 shall be entered all documents registered under clauses (5) and (7) of section eighteen, and not entered in Book 1.

Nothing in the former part of this section shall be deemed to require more than one set of books where the Office of the Registrar has been amalgamated with the Office of a Sub-Registrar.

Endorsements on document presented.

Receipt for document.

Documents admitted to registration to be copied.

LII. The day, hour and place of presentation and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it; a receipt for such document shall be given by the Registering Officer to the person presenting the same; and, subject to the provisions contained in section sixty-two, every document admitted to registration shall without unnecessary delay be copied in the Book appropriated therefor according to the order of its admission. And all such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

Entries to be numbered consecutively.

LIII. All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Current indexes and entries therein.

LIV. In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the Registering Officer has copied, or filed a memorandum of, the document to which it relates.

Indexes to be made by Registering Officers.

LV. Two such indexes shall be made in all Registration Offices, and shall be named, respectively, Index No. I. and Index No. II.

Index No. I. shall contain the names and additions of all persons executing and of all persons claiming under every document copied into or memorandum filed in Book No. 1 or Book No. 3.

Index No. II. shall contain such particulars mentioned in section twenty-one relating to every such document and memorandum as the Inspector General from time to time directs in that behalf.

A third index to be called Index No. III. shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Book No. 4.

Extra particulars in indexes.

Index Nos. I., II. and III. shall contain such other particulars, and shall be prepared in such form, as the Inspector General from time to time directs.

Copy of entries in Indexes Nos. I and II to be sent by Sub-Registrar to Registrar. Such copy to be filed by Registrar.

LVI. Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals as the Inspector General, from time to time directs, a copy of all entries made by such Sub-Registrar, during the last of such intervals, in Indexes Nos. I. and II. Every Registrar receiving such copy shall file it in his office.

Registering Officers to allow inspection of certain books and indexes, and to give certified copies of entries.

LVII. Subject to the previous payment of the fees payable in that behalf, the Books Nos. I and II and the indexes relating to Book No. I shall be at all times open to inspection by any person applying to inspect the same; and subject to the provisions of section sixty-two, copies of entries in such books shall be given to all persons applying for such copies. Subject to the same provisions, copies of entries in Books Nos. 3 and 4 and in the indexes relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer; but the requisite search for such entries shall be made only by the Registering Officer. Such copies shall be signed and sealed by the Registering Officer, and shall be admissible for the purpose of proving the contents of the original documents.

(B). As to the Procedure on admitting to Registration.

Particulars to be endorsed on documents admitted to registration.

LVIII. On every document admitted to registration, other than a copy of a decree or order, there shall be endorsed from time to time the following particulars (that is to say),—(1) the signature and addition of every persons admitting the execution of the document; and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent; (2) the signature and addition of every persons examined in reference to such document under any of the provisions of this Act; and (3) any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document refuses to endorse the same, the Registering Officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

Such endorsement to be dated and signed by Registering Officer.

LIX. The Registering Officer shall affix the date and his signature to all endorsements made under the last preceding section, relating to the same document and made in his presence on the same day.

Certificate showing that document has been registered, and number and page of Book in which it has been copied.

LX. After such of the provisions of sections thirty-four, thirty-five, fifty-eight, and fifty-nine as apply to any document presented for registration have been complied with, the Registering Officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the Book in which the document has been copied. Such certificate shall be signed, sealed and dated by the Registering Officer and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section fifty-nine have occurred as therein mentioned.

Endorsements and certificate to be copied.

Document to be returned.

LXI. The endorsements as certificate referred to and mentioned in sections fifty-nine and sixty shall thereupon be copied into the margin of the Register Book, and the copy of the map or plan (if any) mentioned in section twenty-one shall be filed in Book No. 1. The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section fifty-two.

Procedure on presenting document in language unknown to Registering Officer.

LXII. When a document is presented for registration under section nineteen, the translation shall be transcribed in the Register of documents of the nature of the original, and, together with the copy referred to in section nineteen, shall be filed in the Registration Office. The endorse-

ments and certificate respectively mentioned in sections fifty-nine and sixty shall be made on the original, and for the purpose of making the copies and memoranda required by sections fifty-seven, sixty-four, six-five and sixty-six, the translation shall be treated as if it were the original.

Power to administer oaths.

Record of substance of statements.

LXIII. Every Registering Officer may at his discretion administer an oath to any person examined by him under the provisions of this Act. He may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he admits the correctness of such note, it shall be signed by the Registering Officer. Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

(C) Special Duties of Sub-Registrar.

Procedure on registration of document relating to land situate in several Sub-districts.

LXIV. Every Sub-Registrar on registering a document relating to immoveable property not wholly situate in his own Sub-district, shall make a memorandum thereof and of the endorsement and certificate thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

Procedure where document relates to land situate in several Districts.

LXV. Every Sub-Registrar on registering a document relating to immoveable property situate in more Districts than one, shall also forward a copy thereof and of the endorsement and certificate thereon, together with a copy of the map or plan (if any) mentioned in section twenty-one, to the Registrar of every District in which any part of such property is situate other than the District in which his own Sub-district is situate.

The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose Sub-district any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

(D) Special Duties of Registrar.

Procedure on registering documents relating to land.

LXVI. On registering any document not testamentary relating to immoveable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose Sub-district any part of the property is situate. He shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section twenty-one, to every other Registrar in whose district any part of such property is situate.

Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose Sub-district any part of the property is situate. Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

Procedure on registration under section 30, clause (*b*).

LXVII. On any document being registered under section thirty, clause (*b*), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in the first clause of section sixty-six.

(E) Of the Controlling Powers of Registrars and Inspectors General.

Registrar to superintend and control Sub-Registrars.

LXVIII. Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the Book or the office in which any document shall have been registered.

Inspector General to superintend Registration Offices. His power to frame rules.

LXIX. The Inspector General shall exercise a general superintendence over all the Registration Offices in the territories under the Local Government, and shall have power from time to time to frame rules consistent with this Act, providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept; declaring what languages shall be deemed to be commonly used in each district; declaring what territorial divisions shall be recognized under section twenty-one; regulating the amount of fines imposed under section twenty-four; regulating the exercise of the discretion reposed in the Registering Officer by section sixty-three; regulating the form in which Registering Officers are to make memoranda of documents; regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section fifty-one; declaring the particulars to be contained in Indexes Nos. I, II, and III, respectively; declaring the holidays that shall be observed in the Registration Offices; and, generally, regulating the proceedings of the Registrars and Sub-Registrars.

The rules so framed shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official *Gazette*, and shall then have the same force as if they were inserted in this Act.

His power to remit fines.

LXX. The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section twenty-four or section thirty-four and the amount of the proper registration fee.

PART XII.

OF REFUSAL TO REGISTER.

Reasons for refusal to register to be recorded.

LXXI. Every Registering Officer refusing to register a document, except (1) where the property to which the document relates is not situate within his District or Sub-district, or (2) where the Registering Officer being a Registrar declines to accept the document on the ground that it ought to be registered in the office of a Sub-Registrar, shall make an order of refusal and record his reasons for such order in his Book No. 2 and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded. No Registering Officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

Registrar may alter or revise orders of Sub-Registrar refusing registration.

LXXII. An appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order, and the Registrar may reverse or alter such order: Any Registrar refusing to direct the registration of any document shall make an order of refusal and record the reasons for such order in his Book No. 2, and on applicatian made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

Procedure where Registrar refuses to register or direct registration.

LXXIII. If a Registrar makes under section seventy-one or section seventy-two an order of refusal to register or to direct the registration of any document, or if he has made a like order under section eigty-two or

section eighty-three of Act No. XX of 1866, or if the Sub-Registrar has refused to register the document on the ground that the person, or one of the persons, by whom the document purports to have been executed, has denied the execution, or if the Registrar has himself as Sub-Registrar made an order of refusal under section seventy-one, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply by petition to the District Court, in order to establish his right to have the document registered.

Petition.

LXXIV. The petition shall be in the form contained in the second schedule hereto annexed, or as near thereto as circumstances permit, and shall be accompanied by copies of the reasons recorded under sections seventy-one and seventy-two; the statements in the petition shall be verified by the petitioner in manner required by law for the verification of plaints; and the petition may be amended by permission of the Court.

To be verified.

Court to fix day for hearing petition, and copy thereof to be served.

LXXV. The Court shall fix a day for the hearing of the petition not less than two days after the service next hereinafter mentioned, and shall direct a copy of the petition, with a notice at the foot thereof of the day so fixed, to be served on the Registering Officer and on such other persons (if any) as the Court thinks fit; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply *mutatis mutandis* to copies of petitions under this section.

Court may order document to be registered.

LXXVI. The Court may summon and enforce the attendance of witnesses and compel them to give evidence, and on the day so fixed as aforesaid, or any day to which the hearing of the petition may be adjourned, shall enquire, (*a*) whether the document has been executed, and (*b*) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration. If it finds that the document has been executed and that the said requirements have been complied with, the Court shall order the document to be registered, and if the document be duly presented for registration within thirty days after the making of such order, the Registering Officer shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections fifty-eight, fifty-nine and sixty. Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

Provi ion for case in which Judge is Registering Officer.

Provided that when the officer presiding over the District Court has himself as Registering Officer made any order complained of under this section, the petition shall, within sixty days after the making of such order, be presented to the High Court, and the provisions contained in the former part of this section shall, *mutatis mutandis*, apply to such petition and the order (if any) thereon.

The District Court or the High Court, as the case may be, may direct by whom the whole or any part of the costs of any proceedings before it under this Part shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. No appeal lies from any order made under this section.

PART XIII.

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

Fees to be fixed by Local Government.

LXXVII. Subject to the approval of the Governor General in Council, the Local Government shall prepare a table of fees payable for the registration of documents, for searching the registers, for making or granting copies of reasons, entries or documents, before, on or after registration; and of extra or additional fees payable for every registration under section thirty, for the issue of commissions, for filing translations, for attending at private residences, and for such other matters as appear to the Local

Government necessary to effect the purposes of this Act. The Local Government may from time to time, subject to the like approval, alter such table. A table of the fees so payable shall be published in the official *Gazette*, and a copy thereof in English and the Vernacular language of the District shall be exposed to public view in every Registration Office.

Alteration of fees.

Publication of fees

LXXVIII. All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

Fees payable on presentation.

PART XIV.

PENALTIES.

LXXIX. Every Registering Officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.

LXXX. Whoever commits any of the following offences shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both :—(*a*) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; (*b*) intentionally delivers to a Registering Officer in any proceeding under section nineteen or section twenty-one a false copy or translation of a document, or a false copy of map or plan ; (*c*) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act ; (*d*) abets within the meaning of the Indian Penal Code anything made punishable by this Act.

Penalty for certain other offences.

Making false statements before Registering Officer.

Delivering false copy or translation.

False personation.

Abetment of offences under this Act.

LXXXI. A prosecution for any offence under this Act coming to the knowledge of a Registering Officer in his official capacity may be instituted by or with the permission of the Inspector General, the Branch Inspector General of Sindh, the Registrar or the Sub-Registrar, in whose territories, District or Sub-district, as the case may be, the offence has been committed.

Registering Officer may institute prosecutions.

Offences punishable under this Act shall be triable by any Court or Officer exercising powers not less than those of a Subordinate Magistrate of the first class : Provided that in imposing penalties under this Act, no such Court or Officer shall exceed the limits of jurisdiction prescribed by the law for the time being in force as to such Court or Officer. All fines imposed under this Act may be recovered, if for offences committed outside the limits of the Presidency towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits in the manner prescribed by any Act regulating the Police of such Towns for the time being in force.

LXXXII. Every Registering Officer appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code. Every person shall be legally bound to furnish information to such Registering Officer when required by him to do so. And in section two hundred and twenty-eight of the same Code, the words "judicial proceeding" shall include any proceeding under this Act.

Registering Officers to be deemed public servants.

PART XV.

MISCELLANEOUS.

LXXXIII. Documents (other than wills) remaining unclaimed in any Registration Office, for a period exceeding two years, may be destroyed.

Destruction of unclaimed documents.

Registering Officer not liable for thing *bona fide* done or refused in his Official capacity.

LXXXIV. No Registering Officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

Nothing so done invalidated by defect in appointment or procedure.

LXXXV. Nothing done in good faith pursuant to this Act, or any Act hereby repealed, by any Registering Officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

Registration of documents executed by government officers or certain public functionaries.

LXXXVI. Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any Registration Office in any proceeding connected with the Registration of any instrument executed by him in his official capacity, or to sign as provided in section fifty-eight.

But when any instrument is so executed, the Registering Officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary to Government or to such officer of Government, Administrator General, Official Trustee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and on being satisfied of the execution thereof, shall register the instrument.

Exemptions from Act.

Exemption of certain documents executed by or in favour of Government.

LXXXVII. Nothing contained in this Act or any Act hereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps.—(*a*) Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement. (*b*) Documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey. (*c*) Documents which, under any law for the time being in force, are filed periodically in any revenue office by patwaris or other officers charged with the preparation of village records. (*d*) Sanads, inam title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land. But all such documents and maps shall, for the purpose of sections forty-eight and forty-nine, be deemed to have been and to be registered in accordance with the provisions of this Act.

Inspection and copies of such documents.

LXXXVIII. Subject to such rules and the previous payment of such fees as the Local Government from time to time prescribes in this behalf, all documents and maps mentioned in section eighty-seven, clauses (*a*), (*b*) and (*c*) and all registers of the documents mentioned in clause (*d*) shall be open to the inspection of any person applying to inspect the same, and subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

Recognition in Oudh and Burma for three months of powers of attorney not duly executed.

LXXXIX. From the first of July to the first of October 1871, in the territories respectively administered by the Chief Commissioners of Oudh and British Burma, a power of attorney not duly executed according to the provisions of section thirty-three shall, notwithstanding anything therein contained, be deemed to have been duly executed under the provisions of the same section, if the Registering Officer is satisfied that it has been executed in good faith, and if a power of attorney attested under the provisions of this Act cannot be obtained within the time during which the document sought to be registered can, under such provisions, be accepted for registration.

Burmese registration rules confirmed.

XC. All rules relating to registration heretofore enforced in British Burma shall be deemed to have had the force of law, and no suit or other

proceeding shall be maintained against any officer or other person in respect of any thing done under any of the said rules.

THE FIRST SCHEDULE.

(Referred to in Section 2.)

Number and year.	Title.	Extent of repeal.
XXII of 1864 ...	An Act to make provision for the Administration of Military Cantonments.	Sections ten and forty-five.
XX of 1866 ...	An Act to provide for the Registration of Assurances.	The whole.
XXVII of 1868 ...	An Act to exempt certain instruments from the Indian Registration Act, 1866.	The whole.
VII of 1870 ...	The Court Fees' Act.	In Schedule I the number and words following: "3. Petition under the Indian Registration Act section fifty-three."
All Rules relating to the registration of documents and having the force of law in Oudh.		The whole.
All Rules relating to the registration of documents and having the force of law in any part of British Burma.		The whole.

THE SECOND SCHEDULE.

Form of Petition under Section 73.

Stamp
eight annas.

To the Judge of the District Court [or To the Deputy Commissioner] of————
The————day of————18——.

The petition of A. B. of————

Sheweth—

1. That by an instrument dated the————day of————and made between C. D. of the one part and your petitioner of the other part, certain lands were conveyed to your petitioner absolutely.

2. That such instrument was executed by the said C. D. on the————day of————18——.

3. That the property to which such instrument relates is situate in the Sub-district of the Sub-Registrar of————and in the District of————.

4. That on the————day of————your petitioner presented the said instrument for registration under "The Indian Registration Act, 1871," in the office of the said Sub-Registrar.

5. That the said Sub-Registrar thereupon made an order of refusal, dated the————day of————18——, to register the said instrument and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

6. That your petitioner on the————day of————appealed to the Registrar of————against such order.

7. That the said Registrar thereupon made an order of refusal, dated the————day of————to direct the registration of the said instrument and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

8. That the reasons referred to in paragraphs 5 and 7 of this petition are, as your petitioner submits, insufficient.

Your petitioner therefore prays that your Honor will order the said Sub-Registrar to register the said instrument.

A. B.

Another Form.

Stamp
eight annas.

To the Judge of the District Court [or To the Deputy Commissioner] of————
The————day of————18——.

The petition of A. B. of————
Sheweth—

1. That by an instrument dated the————day of————and made between C. D. of the one part and your petitioner of the other part, certain lands were conveyed to your petitioner by way of mortgage to secure the sum of one thousand rupees.

2. That such instrument was executed by the said C. D. on the————day of————18——.

3. That the property to which such instrument relates is situate in the Sub-district of the Sub-Registrar of————and in the District of————.

4. That on the————day of————your petitioner presented the said instrument for registration under the Indian Registration Act, 1871, in the office of the said Sub-Registrar, and the said C. D. appeared personally before the said Sub-Registrar and falsely denied the execution of the said instrument.

5. That the said Sub-Registrar thereupon made an order of refusal dated the————day of————18——to register the said instrument and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

6. That your petitioner has complied with the requirements of the said Act so far as it has been possible for him to do so.

Your petitioner therefore prays that your Honor will order the said Sub-Registrar to register the said instrument.

A. B.

Form of Verification.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

A. B.

APPENDIX.

SCHEDULE OF FEES UNDER THE REGISTRATION ACT.

Notification by the Government of Bengal.

The 19th June 1871.—In supersession of the Schedule of fees under Act XX of 1866, the following Schedule of fees to be levied under the Indian Registration Act, No VIII of 1871, having received the approval of His Excellency the Governor General in Council, is published for general information, in accordance with the provisions of Section 77 of that Act:—

TABLE OF FEES UNDER THE INDIAN REGISTRATION ACT, 1871.

I.—Ordinary Fees.

(A.) The fees for the registration of the documents described below shall be regulated on an *ad valorem* scale, and calculated according to the value of the right, title and interest affected, in the manner following, that is to say:—

	Rs.	As.	P.
Where the value does not exceed Rs. 100	0	8	0
Where the value exceeds Rs. 100 but does not exceed Rs. 500 ...	1	0	0
Where the value exceeds Rs. 500 but does not exceed Rs. 1,000 ...	1	8	0
And for every further Rs. 1,000 or part thereof ...	0	8	0

Description of Documents.

Conveyances and bills of sale, deeds of gift or dower, settlements, deeds of partition, leases, deeds of mortgage or instruments of further charge, bonds, assignments of any interest secured by a bond or mortgage deed, policies of insurance, bills of exchange and promissory notes; and generally all other documents of the nature of those hereinbefore mentioned.

Provided (i)—That in case where any consideration is expressed, the consideration, and, in case of leases and other periodical payments, the amount payable for one year, in addition to any fine or premium, and, in case of bonds and mortgages, the amount to be secured, shall be taken to be the value of the right, title, or interest affected.

(ii)—That if no consideration, rent, or other value be expressed in the document, the amount payable shall be in every case—Rs. 10.

(iii)—That if a lease given to any ryot and the kabuliyat or counterpart of such lease executed by such ryot be brought for registration at the same time, the fees chargeable in respect of the two documents shall not be greater than the fee which would have been charged upon the lease alone.

(B.) The fee for the registration of a separate instrument acknowledging the receipt or payment of any sum of money, whether consideration on account of any deed of sale or mortgage, or rent on account of any lease, or other value expressed in any document, shall be calculated according to the amount received on the above scale. Provided that if any instrument referring to the same transaction have already been registered, the fee shall not exceed Rs. 2.

(C.) (a.) The fee to be paid on the deposit of any sealed cover containing a will or authority to adopt (such authority being executed before the 1st January 1872) shall be—Rs. 2.

(b.) On the opening of such cover,-Rs. 2, besides the expense of copying the contents according to the scale laid down in this table for the granting of certified copies.

(c.) On the registration of any will or authority to adopt presented open—Rs. 4.

(D.) The fee for the registration of a certified copy of a decree or order of court shall be Re. 1.

(E) The fee for the registration of an agreement for personal service shall be 8 annas only.

(F.) The fee for the registration of any document of a description not mentioned above shall be Re. 1 if the document does not exceed one page of the register book, and Rs. 2 if in excess of that limit.

(G.) For every copy and memorandum of a document to be forwarded to another office under Sections 64 67, there shall be paid an extra fee equivalent to that paid under Articles A, B, D, or F, provided that the fee for a copy shall not exceed Rs. 10, and that the fee for a memorandum shall not exceed Re. 1.

(H.) The fee to be paid for search shall be—

For the first year in the books of which search is made—Re. 1.

For every other year—annas 4.

Provided that no fee under this article shall exceed the sum of Rs. 5.

NOTE.—Every application for the grant of a certified copy except at the time of the registration of a document, shall be considered as an application for search.

(I.) For making or granting copies of reasons, entries or documents before, on or after registration, a fee shall be charged at the rate of 1 anna for every hundred words in the Native character, and of 2 annas for every hundred words in the English character.

II.—EXTRA OR ADDITIONAL FEES.

(K.) For registration by any Registrar other than the Registrar of Calcutta of any document under Section 30 (a)—Rs. 5.

NOTE.—The additional fee shall not be payable when an intrument is registered by a Registrar, acting as Sub-Registrar under Rule 2, or in consequence of the Sub-Registrar by whom it should be registered under Section 29 being a party interested in the transactions to which such instrument relates.

(L) For registration by the Registrar of Calcutta when no portion of the property is situate within his district—Rs. 10.

(M.) For attendance under Section 31 at a private residence for registration or acceptance of any one document, will or authority—Rs. 10.

(N.) Before the issue of a commission, or before the Registering Officer or Judge personally proceeds to any dwelling-house or jail, to obtain evidence as to the voluntary nature of the execution of a power of attorney under Section 33, or for the examination of any person under Section 38, a fee shall be paid as follows on account of every person exempted from appearance :—

(1.) If the person be exempted on account of bodily infirmity such as to make it impossible without risk of life to attend the office, or because confined in jail—Rs 5.

(2.) If the person be exempted on account of sickness of any other kind or as a person exempt by law from personal appearance in Court—Rs. 10.

And in addition travelling allowance must be paid to the Registration Officer, or Judge, or any person to whom the commission is issued at the rate of four annas a mile for all distances exceeding one mile from the Registration Office.

Provided that where two or more persons who execute the same document reside together, only one commission fee shall be charged so far as those persons are concerned.

(O.) For admission of a document to registration under Sections 24 or 34 after the expiration of the time prescribed—

If presented within seven days of the time prescribed ... ... } Twice the fee payable on account of such document.

If presented within a month of the time prescribed ... ... Four times the fee.

If presented within four months of the time prescribed ... ... Ten times the fee.

Explanation.—This fine is inclusive of the ordinary fee.

Note.—When two or more copies of a document executed by the same parties are presented for registration at the same time, an ordinary fee shall be payable for each copy. But any extra or additional fee which is payable under clauses (K) (L) (M) (N) and (O) shall be calculated as for one document only, no matter how many copies of that document may be registered.

(P.) For attesting the execution of a power of attorney as follows:—

If it is a special power ... ... Re. 1

If it is a general power ... ... Rs. 2

(Q.) The fees for serving summonses under the provisions of Section 37 shall be regulated according to the scale in force in the Revenue Courts in the same district.

This Schedule will come into force on the 1st July 1871, the date on and from which the Indian Registration Act of 1871 comes into operation.

ACT IX of 1871.

(*Received the assent of the Governor General on the 24th March* 1871.)

THE INDIAN LIMITATION ACT, 1871.

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AN ACT FOR THE LIMITATION OF SUITS AND FOR OTHER PURPOSES.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring ownership by possession; it is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

I. This Act may be called "The Indian Limitation Act, 1871:" it extends to the whole of British India; but nothing contained in sections two and three or in Parts II and III applies (*a*) to suits instituted before the first day of April 1873, (*b*) to suits under the Indian Divorce Act (*c*) to suits under Madras Regulation VI of 1831. This Act shall come into force on the first day of July 1871.

Extent of Act.

Commencement.

Repeal of enactments.

II. On and from that day the enactments mentioned in the first schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

Interpretation clause.

III. In this Act, unless there be something repugnant in the subject or context, 'minor' means a person who has not completed his age of eighteen years: 'plaintiff' includes also any person through whom a plaintiff claims: 'nuisance' means any thing done to the hurt or annoyance of another's immoveable property and amounting to a trespass: 'bill of exchange' includes also a hundi: 'trustee' does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrongdoer in possession without title: 'registered' means duly registered under the law for the registration of documents in force at the time and place of executing the document referred to in the context: 'foreign country' means any country other than British India; and nothing shall be deemed to be done in 'good faith' which is not done with due care and attention.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Dismissal of suits &c. instituted, &c. after period of limitation.

IV. Subject to the provisions contained in sections five to twenty-six (inclusive), every suit instituted, appeal presented, and application made after the period of limitation prescribed therefor by the second schedule hereto annexed, shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted in ordinary cases when the plaint is presented to the proper officer: in the case of a pauper, when his application for leave to sue as a pauper is filed; and in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the Official Liquidator.

Illustrations.

(*a*). A suit is instituted after the prescribed period of limitation. Limitation is not set up as a defence and judgment is given for the plaintiff. The defendant appeals. The appellate court must dismiss the suit.

(*b*). An appeal presented after the prescribed period is admitted and registered. The appeal shall, nevertheless, be dismissed.

Proviso where Court is closed when period expires.

V. *a*. If the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court re-opens.

Proviso as to appeals and applications for review.

b. Any appeal or application for a review of judgment may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not presenting the appeal or making the application within such period.

Different periods of limitation prescribed by local laws.

VI. When by any law not mentioned in the schedule hereto annexed and now or hereafter to be in force in any part of British India, a period of limitation differing from that prescribed by this Act is specially prescribed for any suits, appeals or applications, nothing herein contained shall affect such law. And nothing herein contained shall affect the periods of limitation prescribed for appeals from, or applications to review, any decree, order or judgment of a High Court in the exercise of its original jurisdiction.

Appeals from decrees of High Courts on original side.

Legal disability.

VII. If a person entitled to sue be, at the time the right to sue accrued, a minor, or insane, or an idiot, he may institute the suit within the same period after the disability has ceased, or (when he is at the time of the accrual affected by two disabilities) after both disabilities have ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the second schedule hereto annexed. When his disability continues up to his death, his representative in interest may institute the suit within the same period after the death as would otherwise have been allowed from [the time prescribed therefor in the third column of the same schedule.

Nothing in this section shall be deemed to extend, for more than three years from the cessation of the disabilities or the death of the person affected thereby, the period within which the suit must be brought.

Illustrations.

(*a*). The right to sue for the hire of a boat accrues to A during his minority He comes of age four years after the accrual of the right. He may institute his suit at any time within three years from the date of his coming of age.

(*b*). A, to whom a right to sue for a legacy has accrued during his minority, attains full age eleven years after such right accrued. A has, under the ordinary law only one year remaining within which to sue. But under this section an extension of two years will be allowed him, making in all a period of three years from the date of his majority, within which he may bring his suit.

(*c*). A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accrual of the right A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under this section.

(*d*). A right to sue as landlord to recover possession from a tenant accrues to A who is an idiot. A dies three years after the accrual of the right, hisidiotcy continuing up to the date of his death. A's representative in interest has under the ordinary law, nine years from the date of A's death within which to bring a suit. This section does not extend that time.

Disability of one joint creditor.

VIII. When one of several Joint creditors or claimants is under any such disability, and when a discharge can be given without the concurrence of such person, time will run against them all: but where no such discharge can be given, time will not run as against any of them until they all are free from disability.

Continuous running of time.

IX. When once time has begun to run, no subsequent disability or inability to sue stops it: Provided that where letters of administration to the estate of a creditor have been granted to his debtor, the running of the

time prescribed for a suit to recover the debt shall be suspended while the administration continues.

Suits against express trustees and their representatives.

X. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his representatives, for the purpose of following in his or their hands such property, shall be barred by any length of time.

Explanation.—A purchaser in good faith for value from a trustee is not his representative within the meaning of this section.

Suits on foreign contracts.

XI. Suits in British India on contracts entered into in a foreign country are subject to the rules prescribed by this Act.

Foreign limitation law.

XII. No foreign rule of limitations shall be a defence to a suit in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract, and the parties were domiciled in such country during the period prescribed by such rule.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

Exclusion of day on which right to sue accrues.

XIII. In computing the period of limitation prescribed for any suit, the day on which the right to sue accrued shall be excluded. In computing the period of limitation prescribed for an appeal, an application for leave to appeal as a pauper, an application to the High Court for the admission of a special appeal, and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed against or sought to be reviewed, shall be excluded. In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

Exclusions in case of appeals and certain applications.

Exclusion of time of defendant's absence from British India.

XIV. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India shall be excluded, unless service of a summons to appear and answer in the suit can, during such absence, be made under the Code of Civil Procedure, section sixty.

Exclusion of time of suing *bona fide* in Court without jurisdiction.

XV. In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another suit, whether in a Court of first instance or in a Court of appeal, against the same defendant or some person whom he represents, shall be excluded, where the last-mentioned suit is founded upon the same right to sue, and is instituted in good faith in a Court which from defect of jurisdiction, or other cause of a like nature, is unable to try it.

Explanation 1.—In excluding the time during which a former suit was pending, the day on which that suit was instituted, and the day on which the proceedings therein ended, shall both be counted.

Explanation 2.—A plaintiff resisting an appeal presented on the ground of want of jurisdiction, shall be deemed to be prosecuting a suit within the meaning of this section.

Exclusion of time during which commencement of suit is stayed by injunction.

XVI. In computing the period of limitation prescribed for any suit, the commencement of which has been stayed by injunction, the time of the continuance of the injunction shall be excluded.

Exclusion of time during which judgment-debtor sues to set aside execution sale.

XVII. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a suit to set aside the sale shall be excluded.

Effect of death before right to sue accrues.

XVIII. When a person who would, if he were living, have a right to sue, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative in interest of the deceased

capable of suing. When a person against whom, if he were living, a right to sue would have accrued, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative whom the plaintiff may sue.

Nothing in the former part of this section applies to suits for the possession of land or of an hereditary office.

Effect of fraud.

XIX. When any person having a right to sue has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded, and where any document necessary to establish such right has been fraudulently concealed, the time limited for commencing a suit, (*a*) against the person guilty of the fraud or accessory thereto, or (*b*) against any person claiming through him otherwise than in good faith and for a valuable consideation, shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

Effect of acknowledgment in writing.

XX. *a*. No promise or acknowledgment in respect of a debt or legacy shall take the case out of the operation of this Act, unless such promise or acknowledgment is contained in some writing signed, before the expiration of the prescribed period, by the party to be charged therewith or by his agent generally or specially authorized in this behalf.

b. When such writing exists, a new period, of limitation according to the nature of the original liability, shall be computed from the time when the promise or acknowledgment was signed.

c. When the writing containing the promise or acknowledgment is undated, oral evidence may be given of the time when it was signed. But when it is alleged to have been destroyed or lost, oral evidence of its contents shall not be received.

Explanation 1.—For the proposes of this section, a promise or acknowledgment may be sufficient, though it omits to specify the exact amount of debt or legacy, or avers that the time for payment or delivery has not yet come, or is accompanied by a refusal to pay or deliver, or is coupled with a claim to a set-off, or is addressed to any person other than the creditor or legatee; but it must amount to an express undertaking to pay or deliver the debt or legacy, or to an unqualified admission of the liability as subsisting.

Explanation 2.—Nothing in this section renders one of several partners or executors chargeable by reason only of a written promise or acknowledgment signed by another of them.

Illustrations.

Z, a bond-debtor, himself writes a letter promising to pay the debt to his creditor A. Z affixes his seal, but does not sign the letter.

Z pays part of the debt and promises orally to pay the rest.

Z publishes an advertisement, requesting his creditors to bring in their claims for examination.

In none of these cases is the debt taken out of the operation of this Act.

Effect of payment of interest as such.

Effect of part-payment of principal.

XXI. When interest on a debt or legacy is before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent generally or specially authorized in this behalf, or when part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent generally or specially authorized in this behalf, a new period of limitation, according to the nature of the original liability, shall be computed from the time when the payment was made: Provided that, in the case of part-payment of principal the debt has arisen from a contract in writing and the fact of the payment appears in the handwriting of the person making the same, on the instrument, or in his own books or in the books of the creditor.

Effect of substituting or adding new plaintiff or defendant.

XXII. When after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have commenced when he was so made a party: Provided that, when a plaintiff dies, and the suit is continued by his representatives in interest, it shall, as regards them, be deemed to have commenced when it was instituted by the deceased plaintiff: Provided also, that, when a defendant dies, and the suit is continued against his representatives in interest it shall, as regards them, be deemed to have been commenced when it was instituted against the deceased defendant.

Proviso where original plaintiff dies.

Proviso where original defendant dies.

Computation where there are successive breaches of contract.

XXIII. In the case of a suit for the breach of a contract, where there are successive breaches, a fresh right to sue arises, and a fresh period of limitation begins to run, upon every fresh breach; and where the breach is a continuing breach, a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the breach continues.

Computation where the breach is continuing.

Nothing in the former part of this section applies to suits for the breach of contracts for the payment of money by instalments, where, on default made in payment of one instalment, the whole becomes due.

Illustrations.

(*a*) A contracts to pay an annuity to B for his life by quarterly instalments. A fails to pay any of the instalments. Here, upon every fresh failure, a fresh right to sue arises and a fresh period of limitation begins to run; and this Act may bar the remedy on the earlier breaches without affecting the remedy on the later breaches.

(*b*) A, a tenant, covenants with B, his landlord, to keep certain buildings in repair. At every moment of the time during which the buildings continue out of repair and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

Continuing nuisance.

XXIV. In the case of a continuing nuisance a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the nuisance continues.

Illustration.

A diverts B's watercourse. At every moment of the time during which the diversion continues and B retains his right of entry, a fresh right to sue arises, and a fresh period of limitation begins to run.

Suit for compensation for act becoming unlawful.

XXV. In the case of a suit for compensation for an act lawful in itself, which becomes unlawful in case it causes damage, the period of limitation shall be computed from the time when the damage accrues.

Illustration.

A owns the surface of a field. B owns the sub-soil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation runs from the time of the subsidence.

Computation of time mentioned in instruments.

XXVI. All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar.

Illustrations.

(*a*) A Hindú makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiry of four months after date computed according to the Gregorian calendar.

(*b*) A Hindú makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiry of one year after date computed according to the Gregorian calendar.

PART IV.

Acquisition of Ownership by Possession.

Acquisition of right to easements.

XXVII. Where the access and use of light or air to and for any building has been peaceably enjoyed therewith, as an easement, and as of right, without interruption, and for twenty years, and where any way or water-

course, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right, without interruption, and for twenty years, the right to such access and use of light or air, way, watercourse, use of water, or other easement, shall be absolute and indefeasible. Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

Explanation.—Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof, and of the person making or authorizing the same to be made.

Illustrations.

(*a*) A suit is brought in 1871 for obstructing a right of way. The defendant admits the obstruction but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him claiming title thereto as an easement and as of right, without interruption, from 1st January 1850 to 1st January 1870. The plaintiff is entitled to judgment.

(*b*) In a like suit also brought in 1871 the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1848 to 1868. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(*c*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had asked his leave to enjoy the right. The suit shall be dismissed.

Exclusion in favour of reversioner of servient tenement.

XXVIII. Provided that when any land or water upon, over or from which any easement (other than the access and use of light and air) has been enjoyed or derived, has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term, shall be excluded in the computation of the said last mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a deceased Hindú widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Extinguishment of right to land or hereditary office.

XXIX. At the determination of the period hereby limited to any person for instituting a suit for possession of any land or hereditary office, his right to such land or office, shall be extinguished.

FIRST SCHEDULE.

(Referred to in Section 2.)

Number and year.	Subject or title.	Extent of repeal.
21 Jac. I, cap. sixteen.	An Act for limitation of actions and for avoiding of suits in law.	The whole Statute, so far as it applies to British India.
4 Ann, cap. sixteen.	An Act for the amendment of the law and the better advancement of justice.	Sections seventeen, eighteen and nineteen, so far as they apply to British India.
33 Geo. III, cap. fifty-two.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	So much of section one hundred and sixty-two as relates to the limitation of civil suits in British India.
53 Geo. III, cap. one hundred and fifty-five.	An Act for continuing in the East India Company for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company.	Section one hundred and twenty-four, so far as it applies to British India.
9 Geo. IV, cap. seventy-four.	Administration of Criminal justice.	So much of section fifty-one as relates to civil suits.
6 & 7 Vic., cap. ninety-four.	Foreign Jurisdiction Act ...	Section seven, so far as it applies to British India.
Act No. XIV of 1840	An Act for rendering a written memorandum necessary to the validity of certain promises and engagements, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 9 Geo. IV, cap. 14.	From and including the words "Whereas by an Act" down to and including the words "Defendants against the Paintiff."
Act No. XI of 1841	Military Courts of Requests. ...	The proviso in section nine.
Act No. XX of 1847	Copyright Act	In section sixteen, the words 'actions, suits, bills.'
Act No. XII of 1855	An Act to enable Executors, Administrators or Representatives to sue and be sued for certain wrongs.	In section one, the words "and provided such action shall be brought within one year after the death of such person," and the words "and so as such

FIRST SCHEDULE.—*continued.*

(Referred to in Section 2).

Number and year.	Subject or title.	Extent of repeal.
Act No. XII of 1855, *contd.* ...	An Act to enable Executors, Administrators or Representatives to sue and be sued for certain wrongs.	action shall be commenced within two years after the committing of the wrong."
Act No. XIII of 1855	Compensation for loss occasioned by death caused by actionable wrong.	In section two, the words "and that every such action shall be brought within twelve calendar months after the death of such deceased person."
Act No. XXV of 1857.	Forfeiture for mutiny	Section nine.
Act No. VIII of 1859.	The Code of Civil Procedure ..	In section one hundred and nineteen the words "within a reasonable time not exceeding thirty days after any process for enforcing the judgment has been executed," and the words "within thirty days from the date of the judgment." In section two hundred and thirty, the words "within one month from the date of such dispossession." The last twelve words of section two hundred and forty-six. In section two hundred and fifty-six the words "at any time within thirty days from the date of the sale." In section two hundred and sixty-nine, the words "if made within one month from the date of such existence or obstruction or of such dispossession, as the case may be." In section three hundred and twenty-four, the second sentence. In section three hundred and twenty-seven, the words "within six months from the

FIRST SCHEDULE.—*continued.*

(Referred to in Section 2).

Number and year.	Subject or title.	Extent of repeal.
Act No. VIII of 1859—*continued.*	The Code of Civil Procedure. ...	date of the award." In section three hundred and thirty-three, from and including the words "within the period" down to the end of the section In section three hundred and forty-seven, the words "within thirty days from the date of the dismissal." In section three hundred and seventy-three, the words "within the period prescribed for the presentation of a memorandum of appeal." So much of section three hundred and seventy-seven as has not been repealed.
Act No. XIV of 1859.	An Act to provide for the limitation of suits.	The whole Act, except so much of section fifteen as does not relate to the limitation of suits.
Act No. IX of 1860.	Workmen and Employers ...	So much of section two as relates to the limitation of suits.
Act No. XXXI of 1860.	Arms Act ...	So much of section forty nine as relates to the limitation of suits.
Act No. V of 1861.	Mofussil Police ...	So much of section forty-two as relates to the limitation of suits.
Act No. XXIII of 1861.	Civil Procedure Code Amendment ...	Section twelve.
Act No. XXV of 1861.	Criminal Procedure Code ...	Section four hundred and fifteen.
Act No. I of 1863.	Civil Courts in British Burma ..	Section twenty-four.
Act No. VI. of 1863.	Consolidated Customs Act ...	So much of section two hundred and fourteen as relates to the limitation of suits.
Act No. XXIII of 1863.	Claims to Waste-lands ...	So much of section five as relate to the limitation of suits.
Act No. VII of 1865.	Government Forests Act ...	So much of section sixteen as relates to the limitation of suits.

FIRST SCHEDULE.—*concluded.*

(*Referred to in Section* 2).

Number and year.	Subject or title.	Extent of repeal.
Act No. XX of 1864.	Registration Act ...	Section fifty-one.
Act No. XIV of 1868.	Contagious Diseases Act ...	So much of section twenty-five as relates to the limitation of suits.
Act No. XX of 1869.	Volunteers ...	So much of section twenty-six as relates to the limitation of suits.
Act No. X of 1870.	Land Acquisition ...	So much of section fifty-eight as relates to the limitation of suits.
Act No. IV of 1871.	Coroners ...	In section forty-two, the words 'after expiration of three months from such fact or failure, nor'
Bombay Regulation V of 1827.	A Regulation defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written Acknowledgments of Debts executed without receipt of a full consideration; also regarding Interest, the tendering payment of Debts, and the disposal of Property mortgaged or pledged.	Chapter one.

SECOND SCHEDULE.

(Refered to in Section 4).

FIRST DIVISION: SUITS.

Description of suit.	Period of limitation.	Time when period begins to run.
	Part I.—Thirty days.	
1.—To contest an award of the Board of Revenue under Act No. XXIII of 1863 *(to provide for the adjudication of claims to waste-lands).*	Thirty days ...	When notice of the award is delivered to the plaintiff.
	Part II.—Ninety days.	
2.—For doing, or for omitting to do, an act in pursuance of any enactment in force for the time being in British India.	Ninety days ...	When the act or omission took place.
	Part III.—Six months.	
3.—Under Act No. XIV of 1859 *(to provide for the limitation of suits)*, section fifteen, to recover possession of immoveable property.	Six months ...	When the dispossession occurs.
4.—Under Act No. IX of 1860 *(to provide for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers)*, section one.	Ditto ...	When the wages, hire or price of work claimed accrued due.
5.—Under Act No. V of 1866 *(to provide a summary procedure on bills of exchange, and to amend, in certain respects, the commercial law of British India).*	Ditto ...	When the bill or promissory note becomes due and payable.
	Part IV.—One year.	
6.—Upon a Statute, Act, Regulation, or Bye-law, for a penalty or forfeiture.	One year ...	When the penalty or forfeiture is incurred.
7.—For the wages of a domestic servant, artisan or labourer not provided for by this schedule, No. 4.	Ditto ...	When the wages sued for accrued due.
8.—For the price of food or drink sold by the keeper of an hotel, tavern or lodging house.	Ditto ...	When the food or drink is delivered.
9.—For the price of lodging.	Ditto ...	When the lodging ends.
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto ...	When the purchaser takes actual possession under the sale sought to be impeached.
11.—For damages for infringing copy-right or any other exclusive privilege.	Ditto ...	The date of the infringement.
12.—By executors, administrators or representatives under Act No. XII of 1855 *(to enable the executors, administrators or representatives to sue and be sued for certain wrongs).*	Ditto ..	The date of the death of the person wronged.
13.—By executors, administrators or representatives under Act No. XIII of 1855 *(to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.)*	Ditto ...	The date of the death of the person killed.

SECOND SCHEDULE.—*continued.*

(*Referred to in Section 4*).

FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part IV.—One year, contd.	
14.—To set aside any of the following sales:— (*a*). sale in execution of a decree of a Civil Court; (*b*).—sale in pursuance of a decre or order of a Collector or other officer of revenue; (*c*).—sale for arrears of Government revenue or for any demand recoverable as such arrears; (*d*).—sale of a pátní taluq sold for current arrears of rent. *Explanation.*—In this clause 'patní' includes any intermediate tenure saleable for current arrears of rent.	One year ...	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
15.—To alter or set aside a decision or order of a civil court in any proceeding other than a suit.	Ditto ...	The date of the final decision or order in the case by a court competent to determine it finally.
16.—To set aside any act of an officer of Government in his official capacity, not herein otherwise expressly provided for.	Ditto ...	The date of the act.
17.—Against Government to set aside any attachment, lease or transfer of immoveable property by the revenue authorities for arrears of Government revenue.	Ditto ...	When the attachment, lease or transfer is made.
18.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Ditto ...	When the payment is made.
19.—Against Government for compensation for land acquired for public purposes.	Ditto ...	The date of determining the amount of the compensation.
20.—Like suit for compensation when the acquisition is not completed.	Ditto ...	The date of the refusal to complete.
21.—For false imprisonment ...	Ditto ...	When the imprisonment ends.
22.—For any other injury to the person.	Ditto ...	When the injury is committed.
23.—For a malicious prosecution.	Ditto ...	When the plaintiff is acquitted.
24.—For libel.	Ditto ...	When the libel is published.
25.—For slander.	Ditto ...	When the words are spoken.
26.—For taking or damaging moveable property.	Ditto ...	When the taking or damage occurs.
27.—For loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto ...	When the loss occurs.
28.—For inducing a person to break a contract with the plaintiff.	Ditto ...	The date of the breach.

SECOND SCHEDULE.—*continued.*

(Referred to in Section 4).

FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part IV.—One year,—contd.	
29.—For an illegal, irregular or excessive distress.	One year ...	The date of the distress.
30.—For wrongful seizure of moveable property under legal process.	Ditto ...	The date of the seizure.
	Part V.—Two years.	
31.—For obstructing a way or a watercourse.	Two years ...	The date of the obstruction.
32.—For diverting a watercourse.	Ditto ...	The date of the diversion.
33.—For wrongfully detaining title-deeds.	Ditto ...	When the title to the property comprised in the deeds is adjudged to the plaintiff, or the detainer's possession otherwise becomes unlawful.
34.—For wrongfully detaining any other moveable property.	Ditto ...	When the detainer's possession becomes unlawful.
35.—For specific recovery of moveable property in cases not provided for by this schedule, numbers 48 and 49.	Ditto ...	When the property is demanded and refused.
36.—Against a carrier for losing or injuring goods.	Ditto ...	When the loss or injury occurs.
37.—Against a carrier for delay in delivering goods.	Ditto ...	When the goods ought to be delivered.
38.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Ditto ...	The time of the perversion.
39.—Under Act No. XII of 1855 (*to enable executors, administrators or representatives to sue and be sued for certain wrongs*) against an executor, administrator or other representative.	Ditto ...	When the wrong complained of is done.
40.—For compensation for any wrong malfeasance, non-feasance or misfeasance independent of contract and not herein specially provided for.	Ditto ...	When the wrong is done or the default happens.
41.—For the recovery of a wife ..	Ditto ...	When possession is demanded and refused.
42.—For the restitution of conjugal rights.	Ditto ...	When restitution is demanded and refused.
	Part VI.—Three years.	
43.—For trespass upon immoveable property.	Three years ...	When the trespass takes place.
44.—To contest an award under any of the following Regulations of the Bengal Code :— VII of 1822, IX of 1825, and IX of 1833.	Ditto ...	The date of the final award or order in the case.

SECOND SCHEDULE.—*continued.*

(*Referred to in Section 4.*)

FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI—Three years,—contd.	
45.—By a party bound by such award to recover any property comprised therein.	Three years ...	The date of the final award or order in the case.
46.—By any person bound by an order respecting the possession of property made under Act No. XVI of 1838, section one, clause two, or Act No. XXV of 1861, chapter twenty-two, or Bombay Act No. V of 1864, or by any one claiming under such person, to recover the property comprised in such order.	Ditto ...	The date of the final order in the case.
47.—For lost moveable property not dishonestly misappropriated or converted.	Ditto ...	When the property is demanded and refused.
48.—For moveable property acquired by theft, extortion, cheating or dishonest misappropriation or conversion.	Ditto ..	Ditto.
49.—For the hire of animals, vehicles, boats or household furniture.	Ditto ..	When the hire becomes payable.
50.—For the balance of money advanced in payment of goods to be delivered.	Ditto ...	When the goods ought to be delivered.
51.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon	Ditto ...	The date of the delivery of the goods.
52.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto ...	The expiry of the period of credit.
53.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto ..	When the period of the proposed bill elapses.
54.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto ...	The date of the sale.
55.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Ditto ...	When the work is done.
56.—For money payable for money lent.	Ditto ...	When the loan is made.
57.—Like suit when the lender has given a cheque for the money.	Ditto ...	When the cheque is paid.
58.—For money lent under an agreement that it shall be payable on demand.	Ditto ...	When the demand is made.
59.—For money payable to the plaintiff for money paid for the defendant.	Ditto ...	When the money is paid.
60.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Ditto ..	When the money is received.
61.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto ...	When the interest becomes due.

SECOND SCHEDULE.—*continued.*

(*Referred to in Section 4.*)

FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI.—Three years,—contd.	
62.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Three years ...	When the accounts are stated, unless where that debt is made payable a future time and then when that time arrives.
63.—Upon a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto ...	At the time specified or upon the contingency happening.
64.—Against a factor for an account.	Ditto ...	When the account is demanded, or, where no such demand is made, when the agency terminates.
65.—On a single bond where a day is specified for payment.	Ditto ...	The day so specified.
66.—On a single bond where no such day is specified	Ditto ...	The date of executing the bond.
67.—On a bond subject to a condition.	Ditto ...	When the condition is broken.
68.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto ...	When the bill or note falls due.
69.—On a bill of exchange payable at or after sight.	Ditto ...	When the bill is presented.
70.—On a bill of exchange accepted payable at a particular place.	Ditto ...	When the bill is presented at that place.
71.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto ...	When the fixed time expires.
72.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Ditto ...	When the demand is made.
73.—By the endorsee of a bill or promissory note against the endorser.	Ditto ...	The date of the endorsement.
74.—On a promissory note or bond payable by instalments.	Ditto ...	The expiration of the first term of payment, as to the part then payable; and, for the other parts, the expiration of the respective terms of payment.
75.—On a promissory note or bond payable by instalments, which provides that if default be made in payment of one instalment the whole shall be due.	Ditto ...	The time of the first default, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto ...	The time of the delivery to the payee.
77.—On a dishonoured foreign bill where protest has been made and notice given.	Ditto ...	When the notice is given.

SECOND SCHEDULE.—*continued.*

(*Referred to in Section* 4).

First Division: Suits—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI.—Three years,—contd.	
78.—By the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	Three years ...	The date of the refusal to accept.
79.—Like suit when the bill has been dishonoured by non-acceptance and afterwards by non-payment.	Ditto ...	Ditto.
80.—Suit on a bill of exchange or promissory note not herein expressly provided for.	Ditto ..	When the bill or note becomes payable.
81.—By the acceptor of an accommodation bill against the drawer.	Ditto ...	When the acceptor pays the amount.
82.—By a surety against the principal debtor.	Ditto ...	When the surety pays the creditor.
83.—By a surety against a co-surety.	Ditto ...	When the plaintiff pays anything in excess of his own share.
84.—Upon any other contract to indemnify.	Ditto ...	When the plaintiff is actually damnified.
85.—By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto ...	The termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.
86.—For compensation for damage caused by an injunction wrongfully obtained.	Ditto ...	When the injunction ceases.
87.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto ...	The time of the last item admitted or proved in the account.
88.—On a policy of insurance when the sum assured is payable after proof of the death or loss has been given to or received by the insurers.	Ditto ...	When proof of the death or loss is given or received, to or by the insurers, whether by or from the plaintiff, or any other person.
89.—By the assured to recover premia paid under a policy voidable at the election of the insurers.	Ditto ...	When the insurers elect to avoid the policy.
90.—By a principal against his agent for moveable property received by the latter and not accounted for.	Ditto ...	When the account is demanded and refused.
91.—Other suits by principals against agents for neglect or misconduct.	Ditto ...	When the neglect or misconduct occurs.
92.—To cancel or set aside an instrument not otherwise provided for.	Ditto ...	When the instrument is executed.
93.—To declare the forgery of an instrument issued, or registered, or attempted to be enforced.	Ditto ...	The date of the issue, registration, or attempt.
94.—For property which the plaintiff has conveyed while insane.	Ditto ...	When the plaintiff is restored to sanity and has knowledge of the conveyance.

SECOND SCHEDULE—*continued.*

(Referred to in Section 4.)

FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI.—Three years,—contd.	
95.—For relief on the ground of fraud.	Three years ...	When the fraud becomes known to the party wronged.
96.—To set aside a decree obtained by fraud	Ditto ...	Ditto.
97.—For relief on the ground of mistake in fact.	Ditto ...	When the mistake becomes known to the plaintiff.
98.—For money paid upon an existing consideration which afterwards fails.	Ditto ...	The date of the failure.
99.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto ...	The date of the trustee's death, or, if the loss has not then been occasioned, the date of the loss.
100.—For contribution by a party who has paid the whole amount due under a joint decree, or by a sharer in a joint estate who has paid the whole amount of revenue due from himself and his co-sharers.	Ditto ...	The date of the plaintiff's advance in excess of his own share.
101.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto ..	When the right to contribution accrues.
102.—For a seaman's wages ..	Ditto ...	The end of the voyage during which the wages are earned.
103.—By a Muhammadan for exigible dower (*mu' ajjal*).	Ditto ...	When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce.
104.—By a Muhammadan for deferred dower (*muwajjal*).	Ditto	When the marriage is dissolved by death or divorce.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto ...	The date of the receipt.
106.—For an account and a share of the profits of a dissolved partnership.	Ditto ...	The date of the dissolution.
107.—By a Hindu manager of a joint estate for contribution in respect of a payment made by him on account of the estate.	Ditto ...	The date of the payment.
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto ...	When the trees are cut down.
109.—For the profits of immoveable property belonging to the plaintiff wrongfully received by the defendant.	Ditto ..	When the profits are received, or, where the plaintiff has been dispossessed by a decree afterwards set aside on appeal, the date of the decree of the Appellate Court.

SECOND SCHEDULE.—*continued.*

(*Referred to in Section 4.*)

First Division : Suits—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI.—Three years.—contd.	
110.—For arrears of rent ..	Three years ...	When the arrears become due.
111.—By a vendor of immoveable property to enforce his lien for unpaid purchase-money.	Ditto ..	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
112.—For call by a company registered under any Statute or Act.	Ditto ...	When the call is made.
113.—For specific performance of a contract.	Ditto ...	When the plaintiff has notice that his right is denied.
114.—For the rescission of a contract.	Ditto ...	When the contract is executed by the plaintiff.
115.—For the breach of any contract, express or implied, not in writing registered, and not herein specially provided for.	Ditto ...	When the contract is broken, or (where there are successive breaches) when the breach sued for occurs, or where the breach is continuing) when it ceases.
	Part VII.—Six years.	
116.—Upon a judgment obtained in a foreign country.	Six years ...	The date of the judgment.
117.—On a promise or contract in writing registered.	Ditto ...	When the period of limitation would begin to run against a suit brought on a similar promise or contract not registered.
118.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto ...	When the right to sue accrues.
	Part VIII—Twelve years.	
119.—By an auction-purchaser or any one claiming under him to avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, the estate being, by virtue of such sale, freed from incumbrances and under-tenures.	Twelve years ...	When the sale becomes final and conclusive.
120.—To avoid incumbrances of under-tenures in a *patní taluq* or other saleable tenure sold for arrears of rent, the taluq or tenure being, by virtue of such sale freed from incumbrances and under-tenures.	Ditto ...	When the sale becomes final and conclusive.

SECOND SCHEDULE.—*continued.*

(*Referred to in Section 4.*)

FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Twelve years,—contd.	
121.—Upon a judgment obtained in British India, or a recognizance.	Twelve years ...	The date of the judgment or recognizance.
122.—For a legacy or for a distributive share of the moveable property of a testator or intestate.	Ditto ...	When the legacy or share becomes payable or deliverable.
123.—For possession of an hereditary office.	Ditto ..	When the defendant, or some person through whom he claims, took possession of the office adversely to the plaintiff. *Explanation.*—An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.
124.—Suit during the life of a Hindu widow by a Hindu entitled to the possession of land on her death to have an alienation made by the widow declared to be void except for her life.	Ditto ...	The date of the alienation.
125.—By a Hindú governed by the law of the Mitákshará to set aside his father's alienation of ancestral property.	Ditto ...	The date of the alienation.
126.—Like suit by a Hindú governed by the law of the Dáyabhága.	Ditto ...	When the father dies.
127.—By a Hindú excluded from joint-family property to enforce a right to share therein.	Ditto ...	When the plaintiff claims and is refused his share.
128.—By a Hindú for maintenance ...	Ditto ..	When the maintenance sued for is claimed and refused.
129.—To establish or set aside an adoption.	Ditto ...	The date of the adoption or (at the option of the plaintiff) the date of the death of the adoptive father.
130.—For the resumption or assessment or rent-free land.	Ditto ...	When the right to resume or assess the land first accrued: Provided that no such suit shall be maintained where the land forms part of a permanently-settled estate, and has been held rent-free from the time of the Permanent Settlement.

SECOND SCHEDULE,—*continued.*

(*Referred to in Section* 4).

First Division : Suits—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Twelve years,—contd.	
131.—To establish a periodically recurring right.	Twelve years ..	When the plaintiff is first refused the enjoyment of the right.
132.—For money charged upon immoveable property. *Explanation.*—The allowance and fees called *malikana* and *haqqs* shall, for the purposes of the clause, be deemed to be money charged upon immoveable property.	Ditto ...	When the money sued for becomes due.
133.—To recover moveable property conveyed in trust, deposited or pawned and afterwards bought from the trustee, depositary or pawnee, in good faith and for value.	Ditto ...	The date of the purchase.
134.—To recover possession of immoveable property conveyed in trust or mortgaged and afterwards purchased from the trustee or mortgagee in good faith and for value.	Ditto ...	The date of the purchase.
135.—Suit instituted in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	Ditto ...	When the mortgagee is first entitled to possession.
136.—By a purchaser at a private sale for possession of the immoveable property sold, when the vendor was out of possession at the date of the sale.	Ditto ...	When the vendor is first entitled to possession
137.—Like suit by a purchaser at a sale in execution of a decree when the execution-debtor was out of possession at the date of the sale.	Ditto ...	When the execution-debtor is first entitled to possession.
138.—By a purchaser of land at a sale in execution of a decree for possession of the purchased land, when he never has had possession.	Ditto ...	The date of the sale.
139.—Like suit when the purchaser had possession ; but was afterwards dispossessed.	Ditto ...	The date of the dispossession.
140.—By a landlord to recover possession from a tenant.	Ditto ...	When the tenancy is determined.
141.—By a remainderman, a reversioner (other than a landlord), or a devisee, for possession of immoveable property.	Ditto ...	When his estate falls into possession.
142.—Like suit by a Hindú entitled to the possession of immoveable property on the death of a Hindú widow.	Ditto ...	When the widow dies.
143.—For possession of immoveable property, when the plaintiff, while in possession of the property has been dispossessed or has discontinued the possession.	Ditto ...	The date of the dispossession or discontinuance.
144.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Ditto ...	When the forfeiture was incurred or the condition broken.

SECOND SCHEDULE,—*continued.*

(Referred to in Section 4.)

FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Twelve years,—concld.	
145.—For possession of immoveable property or any interest therein not hereby otherwise especially provided for.	Twelve years ...	When the possession of the defendant, or of some person through whom he claims, became adverse to the plaintiff.
146.—For a declaration of right to an easement.	Ditto ...	When the easement ceased to be enjoyed by the plaintiff, or the persons on whose behalf he sues.
	Part IX.—Thirty years.	
147.—Against a depositary or pawnee to recover moveable property deposited or pawned.	Thirty years ...	The date of the deposit or pawn, unless where an acknowledgment of the title of the depositor or pawnor, or of his right of redemption, has before the expiration of the prescribed period been made in writing, signed by the depositary, or pawnee, or some person claiming under him, and, in such case the date of the acknowledgment.
	Part X.—Sixty years.	
148.—Against a mortgagee to recover possession of immoveable property mortgaged.	Sixty years ...	The date of the mortgage, unless where an acknowledgment of the title of the mortgagor or of his right of redemption has, before the expiration of the prescribed period, been made in writing, signed by the mortgagee or some person claiming under him, and, in such case the date of the acknowledgment. Provided that all claims to redeem, arising under instruments of mortgage of immoveable property, situate in British Burmah which have been exe-

SECOND SCHEDULE,—*continued.*

(*Referred to in Section 4.*)

FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part X.—Sixty years,—concld.	
148.—Against a mortgagee to recover possession of immoveable property mortgaged.	Sixty years ...	cuted before the first day of May 1863, shall be governed by the rules of limitation in force in that province immediately before the same day.
149.—Before a Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immoveable property mortgaged.	Ditto ...	When any part of the principal or interest was last paid on account of the mortgage debt.
150.—Any suit in the name of the Secretary of State for India in Council.	Ditto ...	When the right to sue accrued.

SECOND DIVISON : APPEALS.

Description of appeals.	Period of limitation.	Time when period begins to run.
151.—Under the Code of Civil Procedure to the Court of a District Judge.	Thirty days ...	The date of the decree appealed against.
152.—Under the Code of Criminal Procedure to any Court other than the High Court.	Ditto ...	The date of the sentence or order appealed against.
153.—Under the same Code to the High Court.	Sixty days ...	Ditto.
154.—Under the Code of Civil Procedure to the High Court.	Ninety days ...	The date of the decree appealed against.

THIRD DIVISON : APPLICATIONS.

Description of applications.	Period of limitation.	Time when period begins to run.
155.—Under the Code of Civil Procedure to set aside an award.	Ten days ...	When the award is submitted to the Court, and notice of the submission has been given to the persons and in manner prescribed by the High Court.
156.—By a plaintiff for an order to set aside a judgment by default.	Thirty days ...	The date of the judgment.
157. By a defendant for an order to set aside a judgment *ex parte.*	Ditto ...	The date of executing any process for enforcing the judgment.

SECOND SCHEDULE,—*continued.*

(Referred to in Section 4.)

THIRD DIVISION : APPLICATIONS,—*continued.*

Description of application.	Period of limitation.	Time when period begins to run.
158.—Under the Code of Civil Procedure, by a person dispossessed of immoveable property, and disputing the right of the decree-holder to be put into possession.	Thirty days ...	The date of the dispossession.
159.—To set aside a sale in execution of a decree, on the ground of irregularity in publishing or conducting the sale.	Ditto ...	The date of the sale.
160.—Complaining of resistance or obstruction to delivery of possession of immoveable property sold in execution of a decree, or of dispossession in the delivery of possession to the purchaser of such property.	Ditto ...	The date of the resistance, obstruction or dispossession.
161.—For re-admission of an appeal dismissed for want of prosecution.	Ditto ...	The date of the dismissal.
162.—For leave to appeal as a pauper.	Ninety days ...	The date of the decree appealed against.
163.—To a High Court for the admission of a special appeal.	Ditto ...	The date of the decree appealed against.
164.—For a review of judgment.	Ditto ...	The date of the decree.
165.—Under the Code of Civil Procedure, section three hundred and twenty-seven, that an award be filed in Court.	Six months ...	The date of the award.
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SECOND SCHEDULE,—*continued.*

(*Referred to in Section 4.*)

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ACT X OF 1871.

(Received the assent of the Governor General on the 24th March 1871.)

THE EXCISE ACT, 1871.

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SCHEDULE—Acts repealed.

AN ACT TO CONSOLIDATE AND AMEND THE LAWS RELATING TO THE EXCISE REVENUE IN NORTHERN INDIA, BRITISH BURMA AND COORG.

WHEREAS it is expedient to consolidate and amend the laws in force in Northern India, British Burma and Coorg, relating to the manufacture of spirits, the sale of spirituous and fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom: it is hereby enacted as follows:— Preamble.

I.—PRELIMINARY.

I. This Act may be called "The Excise Act, 1871;" it extends to the territories respectively under the Government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh, the Central Provinces, British Burma and Coorg: it shall come into force in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces on the passing thereof, and in British Burma and Coorg on the first day of April 1872. Short title. Local extent. Commencement of Acts.

II. The Acts mentioned in the schedule hereto annexed are repealed. Repeal of Acts.

III. In this Act, "Chief Revenue Authority" means, in the territories subject to the Lieutenant-Governor of the North-Western Provinces, the Board of Revenue; in the Panjáb and Oudh, the Financial Commissioner; and in the Central Provinces, British Burma and Coorg, the Chief Commissioner. "Collector" includes any Revenue Officer in independent charge of a District and a Suprintendent of Excise Revenue. "Magistrate" means any Magistrate exercising powers not less than those of a Subordinate Magistrate of the first class; "Country-spirit" means any spirit made by the Native process of distillation; "Intoxicating drugs" includes ganja, bhang, charas, opium and every preparation and admixture of the same. Interpretation-clause. "Collector." Magistrate. Country-spirit. "Intoxicating drugs"

IV. Nothing herein contained affects Act No. XVI of 1863 *(to make special provision for the levy of the Excise Duty payable on spirits used exclusively in Arts and Manufactures or in Chemistry)*. Saving of Act No. XVI of 1863.

II.—MANUFACTURE OF SPIRITS AND FERMENTED LIQUOR.

V. No person shall construct or work a distillery after the manner in which distilleries are constructed and worked in England, without a license under the hand of the Collector of the District in which such distillery is situated. English distilleries not to be constructed or worked without license.

VI. The Chief Revenue Authority may from time to time make rules relative to (*a*), the granting of licenses under section five, (*b*), the notices to be given by the proprietor of a licensed distillery when he commences and discontinues work, (*c*), the size and description of the stills, (*d*), the passing and storing of the spirits, (*e*), the inspection and examination of the distillery and warehouses, and of the spirits manufactured and stored therein; (*f*), the furnishing of statements and lists of such spirits, and of the stills, coppers, casks and other utensils used in the distillery. Chief Revenue Authority to prescribe rules for regulating English distilleries.

VII. The Collector, with the sanction of the Chief Revenue Authority, may (*a*), establish, at any place within his jurisdiction a distillery in which spirits may be manufactured after the Native process, (*b*), from time to time fix limits within which no country-spirits, except such as are manufactured at the said distillery, shall be introduced or sold without a special pass from the Collector, and within which no stills shall be constructed or worked, or spirits manufactured, except at the said distillery, and (*c*), discontinue any distillery so established. Collectors may establish distilleries for country-spirits.

VIII. The Chief Revenue Authority may from time to time make rules relative to (*a*), the mangement of distilleries established under section seven, (*b*), the conditions on which spirits may be manufactured in the said distilleries, and (*c*), the passes to be issued for the conveyance of such spirits to the shops of the vendors. Chief Revenue Authority may prescribe rules for distilleries.

Breweries not to be constructed or worked without license.

IX. No person shall construct or work a brewery, or manufacture any description of malt liquor, without a license from the Collector. The Chief Revenue Authority may from time to time make rules relative to the granting of licenses for constructing and working breweries.

Sanction of Local Government to rules under sections 6, 8 and 9.

X. Except in the Central Provinces, British Burma and Coorg, the sanction of the Local Governments is required to validate rules under sections six, eight and nine.

Prohibition of unlicensed Manufacture of country spirits.

XI. No person shall manufacture spirits after the Native process except under license from the Collector.

III.—Sale of Spirits, Fermented Liquor and Intoxcating Drugs.

English spirits and fermented liquor not to be sold without license.

XII. Spirituous liquors passed from distilleries worked according to the English method, fermented liquors manufactured at a licensed brewery, and spirituous and fermented liquors imported either by land or by sea, shall not be sold except under license from the Collector.

Fee for wholesale license.

XIII. Persons taking out licenses for the wholesale vend of spirituous and fermented liquors as aforesaid shall pay, for every such license, such sum as the Chief Revenue Authority from time to time prescribes. The license shall be current only during the official year, and in the district in which it is granted. But travelling merchants may obtain, under such rules and restrictions as the Chief Revenue Authority from time to time prescribes, a general license authorizing them to sell by wholesale, in any district which they may visit in the course of their travel, without taking out a fresh license for that district.

Fee for retail license.

XIV. Persons taking out licenses for the retail sale of spirtuous and fermented liquors as aforesaid shall pay for every such license such fee or tax as the Chief Revenue Authority fixes, and such fee or tax shall be payable at such periods as the said Authority directs. Any sale of spirituous or fermented liquors as aforesaid, in less quantity than two imperial gallons or one dozen of quart bottles, shall be held to be a retail sale.

What to be held a retail sale.

Country-spirits and drugs not to be sold without license.

XV. No person shall sell spirits manufactured by the Native process, or tárí, or pachwáí, or any intoxicating drug, except under license from the Collector.

Tari to be deemed a fermented liquor.

XVI. All the provisions relating to the sale or possession of fermented liquors contained in the following sections apply to the sale or possession of tárí whether in a fermented state or otherwise; and all tárí, both fresh and fermented, is included in the expression "fermented liquors" as used in the following section.

Proviso.

XVII. Provided that the Local Government may suspend the operation of all the provisions relating to tárí contained in this Act, with respect to any district in which the consumption of tárí in a fermented state is inconsiderable; and thereupon tárí may be possessed and sold without license in such district, notwithstanding anything contained in this Act.

Supply of opium to licensed vendor.

XVIII. Opium shall be supplied to licensed vendors from the Government stores in such manner and at such prices as the Chief Revenue Authority from time to time directs; and no other description of Opium shall be sold by such vendors. The Local Government may, from time to time, by order, exempt any district from the operation of this section.

Proviso.

Sale of more than specified quantities of country-spirits &c., prohibited.

XIX. Except for the supply of licensed vendors, or under a special order from such officer as the Local Government appoints in this behalf, country-spirits, tárí and pachwáí and intoxicating drugs shall not be sold in larger quantities than are hereunder specified:—country-spirits, one ser; tari or pachwáí, four sers; ganja or bhang, or any preparation or admixture thereof, one quarter of a ser; charas or opium, or any preparation or admixture thereof, five tolas weight; and the sale of any such quantity as is herein allowed shall be deemed to be a retail sale within the meaning of this Act.

XX. No cultivator of the plants producing ganja or bhang shall sell any ganja or bhang to any one other than (*a*), a person licensed under section fifteen to sell the same or (*b*), a person duly authorised to purchase the same by pass or license from the Collector. Restriction of sale of ganja and bhang.

IV.—Duties.

XXI. A duty shall be levied on spirits manufactured at distilleries worked according to the English method, at the rate of three rupees the imperial gallon of the strength of London proof, to be augmented or reduced in proportion to the strength of the spirit. Rate of duty to be levied on English spirits.

No spirit shall be removed from any such distillery or the warehouses connected therewith, upon which the aforesaid duty has not been paid, or for the duty chargeable on which a bond has not been executed as hereinafter provided.

For all spirits removed upon payment of duty or under bond, passes shall be issued by the Collector, which shall specify (*a*), the quantity and strength of the spirit, (*b*), the place of its destination, (*c*), the person to whom it is consigned, and (*d*), whether the duty has been paid or secured by bond.

Nothing in the former part of this section applies to British Burma.

XXII. Spirituous liquors manufactured at any place in India beyond the limits of British India, shall on passing such limits subject to this Act, be charged with the duty prescribed for proof spirits in section twenty-one: and any person found in possession of any such liquors, without a pass from the Collector certifying the payment of such duty, shall forfeit, for every such offence, a sum not exceeding two hundred rupees; and the liquors, together with the vessels containing the same, and the animals and conveyances used in carrying them, shall be liable to confiscation. Spirits from foreign territory subject to duty.

XXIII. A duty shall be levied on spirits manufactured in distilleries established under section seven at such rate as the Chief Revenue Authority, with the sanction of the Local Government, may from time to time prescribe. Duty on country-spirits manufactured at distilleries established by Collector.

XXIV. Whenever a license for the retail sale of country-spirits, tárí, pachwái or intoxicating drugs, is granted under this Act, the Collector may demand, in consideration of the privilege granted, such tax or duty, or a tax or duty adjusted on such principles, as may from time to time be fixed by the Chief Revenue Authority. Such tax or duty shall be specified in the license, and shall be payable at such periods as the said Authority may direct. Duty on retail sale of country-spirits, &c.

The Collector may grant special licenses for the sale of unfermented tárí only, at those periods of the year when the fresh juice is in request: fees may be demanded for such special licenses at a rate for each license to be fixed from time to time by the Chief Revenue Authority; and the vendors shall not be subject to any other tax or duty in respect of such sale.

V.—Farm of Duties.

XXV. The Collector may, with the sanction of the Chief Revenue Authority, let in farm, for any period not exceeding five years, the duties leviable on the retail sale of spirituous or fermented liquors, or intoxicating drugs, or any description of such liquors or drugs in any district or division of a district. Power to farm out duties.

XXVI. The Chief Revenue Authority may prescribe rules, (*a*), for the invitation and acceptance of tenders for such farms, (*b*), for the requisition of security for the due fulfilment of the engagements entered into by the farmers, and (*c*), as to the form and conditions of the lease. Tenders for farm.

Any breach of such conditions shall render the lease liable to annulment.

Farmer to make arrangements with local manufacturers and vendors.

XXVII. When the duties leviable on any of the articles above enumerated are let in farm, the farmer shall be at liberty to make his own arrangements with the manufacturers and vendors within the limits of his farm; and all the fines and forfeitures hereinafter prescribed, for the unlawful manufacture, sale, or possession of any such article, shall be incurred by all persons manufacturing, selling, or possessing the same without license or authority from the farmer.

List of licenses granted by farmer to be filed.

XXVIII. Every such farmer shall file in the Collector's office a list of all the licenses granted by him in such form as may be prescribed by the Chief Revenue Authority.

Restrictions as to grant of licenses.

The Collector, with the sanction of the said Chief Revenue Authority, may, before entering into engagements for any such farm, make such reservations or restrictions with respect to the grant of licenses as he thinks fit.

Lease may be cancelled.

XXIX. The Collector may, with the sanction of the Chief Revenue Authority, cancel any lease granted under this Act; or may, within the period of the lease, impose any new restriction on the farmer. If a lease be cancelled for any cause other than a breach on the part of the farmer of the conditions of the lease, or if any reservation or restriction with respect to the grant of licenses be imposed within the period of the lease, the farmer shall be entitled to receive such compensation for any loss which he sustains thereby as the Chief Revenue Authority thinks fit.

Compensation to farmers in certain cases.

Recovery of arrears of tax or duty by farmers.

XXX. Every farmer of Excise revenue may use the same means and processes for the recovery of any arrear of tax or duty due to him from any authorized vendor, as may be lawfully used by zamíndárs and farmers of land for the recovery of arrears of rent due to them from their under-tenants.

VI.—Licenses.

Certain licensees to execute counterpart and furnish security.

XXXI. Every person taking out a license for the manufacture of country-spirits or for the retail sale of spirituous or fermented liquors, or intoxicating drugs, shall execute a counterpart engagement in conformity with the tenor of the license, and shall give such security for the performance of his engagement or make such deposit in lieu of security, as the Collector may require.

Duration and renewal of licenses.

XXXII. Unless otherwise especially authorized by the Chief Revenue Authority, licenses for retail sale shall be granted for the term of one year, and if continued to the holders thereof, shall be formally renewed from year to year. But every person holding a license, who may intend not to renew it, shall give notice of his intention to the Collector at least fifteen days before the year expires. If such notice be not given, and the license be not recalled by the Collector, the license held, and engagement entered into, by every such person, shall remain in force as if the said license and engagement had been formally renewed.

Chief Revenue Authority to regulate form of license.

XXXIII. The Chief Revenue Authority may regulate the form and conditions of all licenses granted under this Act.

Power to recall license.

XXXIV. The Collector may recall or cancel any license granted under this Act, if the tax or duty therein specified be not duly paid, or in case of a violation of any other condition thereof, or of the holder being convicted of a breach of the peace or any other criminal offence.

If the Collector desire to recall a license for any cause other than those above specified, he shall give fifteen days' previous notice and remit a sum equal to the tax for fifteen days, or, if notice be not given, shall make such further compensation for default of notice as the Commissioner or Chief Revenue Authority directs.

Surrender of license.

XXXV. Any licensed retail vendor may surrender his license on giving one month's previous notice to the Collector, and paying such fine not exceeding the amount of the license fees for six months as the Collector

may adjudge. If the Collector is satisfied that there is a sufficient reason for resigning a license, he may remit the fine so prescribed.

VII.—POWERS OF OFFICERS

Collectors of Land Revenue to have charge of the Excise Revenue.

XXXVI. The collection of the revenue arising from the manufacture of spirits, and the sale of spirits and spirituous and fermented liquors and intoxicating drugs, shall be ordinarily under the charge of the Collectors of Land Revenue, who shall perform the duties connected therewith under the control and direction of the Commissioners of Revenue, and of the Chief Revenue Authority. But the Local Government may appoint any other person to be Superintendent of Excise Revenue in any district or place, and any person so appointed shall exercise, in such district or place, all the powers and authority conferred by this Act on the Collector of Land Revenue, and the Collector of Land Revenue shall cease to exercise such powers and authority in such district or place during the continuance of such appointment.

Power to appoint Commissioners of Excise.

XXXVII. The Local Government may also appoint a Commissioner or Commissioners for the control and direction of the officers having charge of the Excise revenue in any District or Districts; and when such appointment is made, the Commissioner of Excise shall exercise within such District or Districts the powers and authority conferred by this Act on Commissioners of Revenue, and the Commissioners of Revenue shall cease to exercise such powers and authority in the said District or Districts during the continuance of such appointment.

Collectors may appoint Excise Officers.

XXXVIII. Collectors may appoint daroghas, jamadárs, peons, surveyors, gaugers, and other officers, for the collection of the Excise revenue and for the prevention of smuggling, and the officers so appointed shall, in addition to their ordinary designations, be styled Excise officers.

Tahsildars may be Excise officers.

XXXIX. In districts where there are tahsíldárs and other local officers for the collection of the land revenue, the office of Excise darogha may be united with that of tahsíldár, or any of such local officers, and the said officers, together with the officers subordinate to them, shall be deemed to be Excise officers within the meaning of this Act.

Power to regulate supply of tari and intoxicating drugs to licensed vendors.

XL. The Chief Revenue Authority may regulate the mode in which tári shall be supplied to licensed vendors of the same; and may frame rules for the grant of licenses or passes to persons purchasing, transporting, or storing ganja, bhang, or charas for the supply of the licensed vendors of those drugs. Such Authority may also place the cultivation, preparation, and store of such drugs under such supervision as may be deemed necessary to secure the duty leviable thereon.

Recovery of arrears of tax or duty.

XLI. The Collector may recover any arrear of tax or duty due on account of any license granted under this Act, or any arrear due from any farmer of Excise revenue, by distress and sale of the moveable property of the person from whom the arrear is due or of his surety, or by any other process for the time being in force for the recovery of arrears of revenue due from farmers of land or their sureties.

Power of Excise officers to inspect shops.

XLII. Any Excise officer may enter and inspect at any time by day or by night the shop or premises in which any licensed manufacturer or retail vendor carries on the manufacture of country spirits, or the sale of spirituous or fermented liquors, or intoxicating drugs.

And to arrest persons carrying spirits &c., liable to confiscation.

XLIII. Any Excise officer may stop and detain any person carrying any spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act; and may seize the liquors or drugs with the vessels, packages, or coverings in which they are contained, and the animals and conveyances used in carrying them; and may also arrest the person in whose possession such liquors or drugs are found.

And to arrest unlicensed distillers, &c.

XLIV. Any Excise officer above the rank of a jamadár of peons may arrest any person having in his possession an unlicensed still, or any spirituous or fermented liquors, or intoxicating drugs, liable to confiscation

under this Act, or engaged in the unlawful sale of spirituous or fermented liquors, or intoxicating drugs, and may seize such still with the materials for working it, and all such liquors and drugs.

And to seize stills.

And to search on information of illicit manufacture or possession.

XLV. Whenever any Excise officer above the rank of a jamadár of peons, has reason to believe, from information given by any person (which information shall be taken down in writing) that spirits are unlawfully manufactured, or that any spirituous or fermented liquors, or intoxicating drugs, liable to confiscation under this Act, are kept or concealed in any house, boat, or other place, such officer may between sunrise and sunset (but always in the presence of an officer of Police not being under the grade of a jamadár), enter into any such house, boat, or place, and in case of resistance, may break open any door, and force and remove any other obstacle to such entry; and may seize and carry away all stills and materials used in the manufacture of such spirits, or in the keeping and concealing of such liquors or drugs.

Police Customs, and Revenue Officer may exercise powers of Excise officers.

XLVI. The powers of seizure, search and arrest, given to Excise officers by the three last preceding sections, may, in regard to the seizure and search for contraband opium and the arrest of persons found in possession thereof, be exercised also by the officers of the Police, Customs, and Revenue Departments according to their respective grades. And the Local Government may confer on the officers of those departments, or of any of them, like powers with respect to the seizure of, and search for spirituous and fermented liquors and intoxicating drugs of every description, and the arrest of persons found in possession thereof. All such officers when so empowered, as well as all Police, Customs, and Revenue officers when acting under the authority conferred by this section for the suppression of illicit dealings in opium, shall be deemed to be Excise officers within the meaning of this Act.

Excise officer to report arrest, &c.

And to take person arrested to Magistrate.

XLVII. When an Excise officer arrests any person, or seizes any still, or any liquors or drugs liable to confiscation under this Act, or enters any house, boat, or place for the purpose of searching for any such illicit articles, he shall within twenty-four hours thereafter, make a full report of all the particulars of such arrest or seizure, or search, to his official superior, and, unless acting under the warrant of the Collector, shall carry the person arrested, or the illicit article seized, with all convenient despatch to the Magistrate for trial or adjudication.

Collector may issue warrant of arrest in certain cases.

XLVIII. The Collector may issue his warrant for the arrest of any person whom he has reason to believe either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act.

Collector may issue search warrant.

XLIX. The Collector may issue his warrant for the search of any house, boat, or place, in which, upon any of the grounds mentioned in the last preceding section he has reason to believe that spirits are unlawfully manufactured or that spirituous or fermented liquors or intoxicating drugs, liable to confiscation under this Act, are kept or concealed. Such warrant may be executed by any officer above the rank of a jamadár of peons, at the time and in the manner prescribed in section forty-five.

Special warrant authorising search between sunset and sunrise.

When the Collector thinks that the search should be made between sunset and sunrise on any particular day, he shall issue a warrant specially authorising the search to be so made. Such warrant may be executed by any officer above the rank of a jamadár of peons, in the manner prescribed in section forty-five, and shall cease to be in force at sunrise on the day next following.

Procedure after arrest or seizure.

L. Whenever any person is arrested, or any articles are seized under the warrant of a Collector, the Collector, after such inquiry as he thinks necessary, shall send the person arested or the articles seized to the Magis-

trate, or shall order the immediate discharge of such person or the release of such articles.

Police to assist Excise officers.

LI. All Police officers are required to aid the Excise officers in the due execution of this Act, upon notice given or request made by such officers.

VIII.—PENALTIES.

For constructing or working a distillery without license.

LII. Whoever constructs or works a distillery, after the English method, without a license from the Collector, shall for every such offence be punished with fine not exceeding one thousand rupees; and all spirits manufactured at any such distillery, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

For non-observance of rules prescribed by Chief Revenue Authority.

LIII. Every proprietor or manager of a licensed distillery constructed and worked after the English method, who omits to furnish any notice or any statement or list required by the rules prescribed by the Chief Revenue Authority under section six, or wilfully does anything in contravention of the said rules, shall for every such offence be punished with fine not exceeding two hundred rupees; and if any such offence be committed a second time with respect to the same distillery, the Collector may withdraw the license granted for the working of such distillery.

For removing spirituous liquors without payment of duty.

LIV. Whoever removes or attempts to remove, from any licensed distillery constructed and worked after the English method, any spirituous liquors upon which the duty has not been paid, or for the duty on which a bond has not been executed, or any spirituous liquors for which the Collector has not issued a pass, shall for every such offence be punished with fine not exceeding one thousand rupees; and the liquors, together with the vessels containing the same, and the animals and conveyances used in carrying them, shall be liable to confiscation.

If it appear to the Collector that the offence was committed with the consent or knowledge of the proprietor or manager, the Collector may withdraw the license granted for the construction and working of the distillery from which such liquors have been removed or attempted to be removed.

For irregular reland of spirituous liquors.

LV. Whoever re-lands, or attempts to re-land, any spirituous liquors shipped for exportation, without a special pass from the Collector of Revenue at the place of exportation, shall for every such offence be punished with fine not exceeding five hundred rupees: and the liquors, together with the casks and vessels containing the same, and the carts, boats, and animals employed in carrying them, shall be liable to confiscation.

For working brewery without license.

LVI. Whoever constructs or works a brewery, or manufactures malt liquor, without a license, shall for every such offence be punished with fine not exceeding five hundred rupees.

For refusing to produce license.

LVII. Every person licensed to manufacture country-spirits or to sell spirituous or fermented liquors or intoxicating drugs, who fails to produce his license on the demand of any Excise officer, or who commits any act in breach of any of the conditions of his license not otherwise provided for in this Act, shall for every such offence be punished with fine not exceeding fifty rupees.

For breach of license.

For sale in contravention of license.

LVIII. Every licensed retail vendor, who sells any larger quantity of spirituous or fermented liquors or intoxicating drugs than is allowed to be sold by retail by this Act, and every licensed wholesale vendor who makes a retail sale, shall for every such offence be punished with fine not exceeding two hundred rupees: provided that nothing in this section shall be held to prohibit the grant to the same person of both wholesale and retail license, subject to the provisions of this Act.

Proviso.

For permitting drunkenness, &c., in shop.

LIX. Every person licensed to sell spirituous or fermented liquors, or intoxicating drugs, who permits drunkenness, riot, or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for liquors or drugs,

shall for every such offence be punished with fine not exceeding two hundred rupees.

For conveying country-spirits from distillery without pass, &c.

LX. Whoever conveys or attempts to convey any country-spirits from a distillery established under section seven without a pass, or exceeding the quantity for which a pass has been granted, or introduces or attempts to introduce any country-spirits manufactured at another place into the limits fixed for the consumption of spirits manufactured at such distillery without a special pass from the Collector, shall for every such offence be punished with fine not exceeding five hundred rupees.

For contravening rules prescribed by Chief Revenue authority.

LXI. Whoever wilfully contravenes any rule prescribed by the Chief Revenue Authority for the management of a distillery established as aforesaid, otherwise than as provided for in the last preceding section, shall for every such offence be punished with fine not exceeding fifty rupees.

For illicit manufacture or sale of country-spirits &c.

LXII. Every person other than a licensed manufacturer who manufactures any country-spirits, and every person other than a licensed vendor or a person duly authorized to supply licensed vendors, who sells any spirituous or fermented liquors, or intoxicating drugs, and every person authorized to supply licensed vendors, who sells any such liquors or drugs to any person other than a licensed vendor, shall for every such offence be punished with fine not exceeding five hundred rupees. Nothing in this section or in section twelve applies to the sale by auction of any spirituous liquors, wines, or beer purchased by any person for his private use and so disposed of upon his quitting a station or after his decease.

Proviso.

For illegal possession of country-spirits &c.

LXIII. Every person, other than a licensed manufacturer or vendor, or a person duly authorized to supply licensed vendors, who has in his possession any larger quantity of country-spirits, or tárí, or pachwái, or intoxicating drugs, except opium, than may legally be sold by retail under the provisions of section nineteen, or transports by land or by water, or has in his possession, any spirituous liquors made at a distillery worked according to the English method, or any imported spirituous or fermented liquors, in larger quantity than two gallons, without a pass from the Collector or other officer duly empowered in that behalf, shall for every such offence be punished with fine not exceeding two hundred rupees; and the liquors and drugs, together with the vessels, packages, and coverings in which they are found, and the animals and conveyances used in carrying them, shall be liable to confiscation. Provided, that nothing in this section extends to any spirituous liquors, wines, or beer, purchased by any person for his private use and not for sale.

Proviso.

Exceptions as to tari, ganja and bhang.

LXIV. The provisions of the two last preceding sections, so far as they relate to the sale and possession of fermented liquors, do not apply to the sale and possession of tárí the produce of the date tree, when supplied or used for the manufacture of gúr or molasses; and the provisions of the said sections relating to the sale and possession of intoxicating drugs, do not apply to the sale and possession of ganja or bhang by the cultivators of the plants which produce those drugs respectively. Every such cultivator, selling ganja or bhang in breach of the prohibition contained in section twenty, shall for evey such offence be punished with fine not exceeding five hundred rupees.

For possessing more opium than five tolas weight.

LXV. Every person, other than a licensed vendor, who has in his possession a greater quantity of opium than five tolas weight, shall for every such offence be punished with fine not exceeding five hundred rupees, unless the opium found in his possession exceeds the weight of thirty-one sers and a quarter, in which case the penalty may be increased at a rate not exceeding sixteen rupees the seer for all the opium so found in excess of that weight; and the opium, together with the vessels, packages, and coverings in which it is found, and the animals and conveyances used in carrying it, shall be liable to confiscation.

LXVI. Nothing in section sixty-five applies to the persons and circumstances hereinafter specified, namely:—(*a*) Authorized opium cultivators having newly extracted opium in their possession during the usual period between the full growth of the poppy and the delivery of the produce to the opium agent; (*b*) Travellers and visitants from foreign States or countries having in their possession any quantity of foreign opium not exceeding two seers, or, in British Burmah, five-tolas, the produce of such foreign States and countries, and intended for the private use of such travellers and visitants or their attendants, and not for sale or barter; (*c*) Dealers in horses travelling with strings of horses from beyond the limits of British India, and having in their possession opium, the produce of foreign States or countries, not exceeding in quantity the proportion of ten tolas weight for each horse.

Exception in favour of opium cultivators.

Travellers.

And horse dealers

If opium be found in the possession of any such traveller, visitant, or dealer in horses in excess of the quantities above specified, such excess shall be liable to confiscation; but the person in whose possession it may be found shall not be subject to any further penalty.

For possession of excessive quantity of opium by travellers, &c.

LXVII. Every licensed vendor, who sells or offers for sale opium adulterated with any foreign substance, not being a preparation or admixture of opium for the sale of which he has taken out a license, or, who, except in districts exempted from the operation of section eighteen, sells or has in his possession any opium other than the opium supplied to him from the Government stores, shall for every such offence be punished with fine not exceeding five hundred rupees, and the license held by him shall be withdrawn, and the opium, together with the vessels or packages in which it is found, shall be seized and confiscated.

For sale of adulterated opium, &c., by licensed vendors.

LXVIII. Every proprietor, farmer, tahsildár, gumáshta, or other manager of land, who authorizes or connives at the manufacture of country-spirits or the sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person, shall for every such offence be punished with fine not exceeding five hundred rupees.

For conniving at illicit manufacture or sale of spirits, &c.

LXIX. Any Police officer who, without lawful excuse, neglects or refuses to assist as aforesaid and any dárogha or other officer in charge of a Police station, who, on application made by an Excise officer under section forty-five, fails to attend a search himself, or to depute a subordinte officer not being below the grade of a jamadár, shall for every such offence be punished with fine not exceeding five hundred rupees.

On police neglecting to assist.

LXX. Whoever maliciously gives false information against any person as being engaged in the unlawful manufacture of spirits, or as selling or having in his possession any spirituous or fermented liquors or intoxicating drugs in contravention of this Act, and so procures that such person be arrested or that any house, boat or other place be searched, to the injury or annoyance of such person, or any other person whatsoever, shall for every such offence be punished with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both. Such fine or any part thereof may be paid to the person aggrieved.

For maliciously giving false information.

LXXI. Any Excise officer who without reasonable ground of suspicion, searches or causes to be searched any house, boat, or other place, or vexatiously and unnecessarily seizes the moveable property of any person, on the pretence of seizing or searching for any spirituous liquors or intoxicating drugs liable to confiscation under this Act, or vexatiously and unnecessarily arrests any person, or commits any other excess not required for the execution of his duty, shall for every such offence be punished with fine not exceeding five hundred rupees. Such fine, or any part thereof, may be paid to the person aggrieved.

For vexatious search or seizure.

LXXII. Any Excise officer who neglects to report the particulars of an arrest, seizure, or search within twenty-four hours thereafter, or delays carrying to the Magistrate or Collector, as the case may be, any person arrested, or any illicit articles seized under this Act, shall for every such offence be punished with fine not exceeding two hundred rupees.

On Excise officers for delay in reporting arrest, &c., or in carrying person arrested to Magistrate.

For conniving at escape of persons arrested &c.

LXXIII. Any Excise officer unlawfully releasing or conniving at the escape of any person arrested under this Act, or conniving at the manufacture of spirits or the sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person, or by any licensed person, contrary to the terms of his license, or acting in a manner inconsistent with his duty, for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, or the Excise revenue defrauded; and any officer invested with local jurisdiction, authorizing or conniving at the establishment of any unlicensed shop for the sale of such liquors or drugs as aforesaid in any place subject to his control, shall for every such offence be punished with fine not exceeding five hundred rupees.

Adjudication of penalties and seizures.

LXXIV. All fines leviable for offences against this Act, and all seizures of goods liable to confiscation under this Act, shall be adjudged by the Magistrate on the information of the Collector or any Excise officer: provided that no such information shall be necessary in any case of complaint preferred to a Magistrate under section fifty-nine, sixty-nine, seventy, seventy-one, seventy-two or seventy-three.

Procedure in cases other than those of persons sent in custody by a Collector or Excise officer.

LXXV. In all cases in which complaint or information is preferred to a Magistrate of offences committed against this Act, not being cases in which persons are sent in custody by a Collector or Excise officer, the Magistrate shall issue a summons requiring the attendance of the person accused. The rules contained in the Code of Criminal Procedure, for the trial of cases before a Magistrate and for appeal against orders passed by a Magistrate, shall apply to trials under this Act. Provided that no complaint or information of an offence against this Act shall be admitted, unless it be preferred within six months after the commission of the offence to which the complaint or information refers.

Punishment on second or subsequent conviction.

LXXVI. Whenever any person is convicted of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty provided for such offence, to imprisonment for a term not exceeding six months. A like punishment of imprisonment not exceeding six months shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

Confinement in civil jail.

LXXVII. Every person imprisoned for an offence under section fifty-nine, sixty-nine, seventy, seventy-one, seventy-two or seventy-three, shall be confined in the criminal jail, and every person imprisoned for an offence under any other section shall be confined in the civil jail.

Disposal of confiscated goods.

LXXVIII. All things confiscated under this Act, except opium shall be disposed of by the Collector by public sale. Opium so confiscated shall be sent for examination to the Civil Surgeon of the station, and, if declared by him to be fit for use, shall be sent to the Government factory, or otherwise disposed of in such manner as the Chief Revenue Authority directs. If declared to be unfit for use, it shall be immediately destroyed.

Disposal of fines &c., as rewards.

LXXIX. One-half of all fines levied from persons convicted of the unlawful manufacture of spirits, or of the unlawful sale or possession of spirituous or fermented liquors or intoxicating drugs, and one-half of the proceeds from sale of all confiscated articles except opium, and in the case of opium confiscated articles except opium, and in the case of opium confiscated and declared by the Civil Surgeon to be fit for use, a reward of one rupee eight annas for each seer, shall, upon adjudication of the case, be awarded to the officer or officers who apprehended the offender. The other half of such fines and forfeitures, and the other half of the proceeds of sale, or in the case of opium aforesaid, of one rupee eight annas for each seer, shall be given to the informer.

Rewards where no fine is realized.

If in any case the fine or fofeiture is not realized, the Chief Revenue Authority may grant such reasonable reward, not exceeding two hundred rupees, as may seem fit: and such Authority may direct by general order

what classes of Excise officers shall receive rewards, and what classes shall have no title to share therein.

Fines undisposed of to belong to Government.

LXXX. All fines levied under this Act, the disposal of which is not especially provided for, shall belong to Government. But the Chief Revenue Authority may appropriate any portion thereof, not exceeding one-half, for rewarding informers, or for compensating persons subjected to annoyance or injury by any proceedings under this Act.

Special rewards to informers.

IX.—Military Cantonments.

Rules respecting the manufacture and sale of spirits, &c., in Military Cantonments.

LXXXI. Within the limits of any Military Cantonments, and within such distance from those limits as the Local Government in any case prescribes, no licenses for the manufacture of spirits, or for the sale of spirituous and fermented liquors, shall be granted, nor shall the duties leviable upon such spirits and liquors be let in farm, unless with the knowledge and consent of the Commanding Officer; and upon his requisition any license which has been granted, either by the Collector or by a farmer, within such distance or limits shall be immediately withdrawn.

Mode of making arrest or search within Military Cantonments.

LXXXII. In all other respects, the foregoing provisions of this Act shall have effect within such limits or distance: provided that when arrest or search is to be made within the limits of any Cantonment, the Collector or other officer authorised under this Act to make arrest or search shall, whenever it may be practicable, give previous notice to the Commanding Officer, and in all other cases shall report the arrest or search to such Commanding Officer with as little delay as possible.

Provided also that nothing herein contained shall affect the provisions of Act No. XXII. of 1864 *to make provision for the Administration of Military Cantonments.)*

X.—Miscellaneous.

Drawback on exportation.

LXXXIII. A drawback of the duty levied under Part IV of this Act on spirits manufactured after the English method, and exported by sea to Aden or any port not situate in British India, shall be allowed by the Collector of Customs at the port of exportation. provided that the exportation be made within one year from the date of the payment of duty under this Act, and that the spirits, when brought to the Custom House, be accompanied by the pass in which such payment is certified. The amount of drawback to be allowed upon spirits for which duty has been paid shall be regulated according to the strength and quantity of the said spirits as ascertained by such proof and guage. The quantity of spirits for which credit is to be given in the settlement of any bond, shall be determined in the same manner.

No drawback on spirits exported to British Indian ports except Aden, or shipped as stores.

LXXXIV. No drawback shall be allowed on spirits exported to any port in British India except Aden, or on spirits shipped as stores.

Recovery of sums due under bond.

LXXXV. Any sum remaining due to Government upon the settlement of a bond executed according to the provisions of this Act, may be recovered by any process for the time being in force for the recovery of arrears of revenue due from farmers of land or their sureties, or by suit on the bond in any Court of competent jurisdiction.

Appeals from orders and sentences under this Act.

LXXXVI. All orders passed by a Collector under this Act shall be appealable to the Commissioner in the usual manner under the rules in force relative to appeals from the orders of Collectors.

Powers vested in officers of Opium Department.

LXXXVII. In the districts in which the poppy is cultivated on account of Government, the Deputy Opium Agents and Sub-Deputy Agents shall exercise the powers conferred by this Act on Collecters, so far as the same relate to the suppression of illegal dealings in opium; and the officers of the Opium Department shall exercise the powers conferred by

this Act on Excise officers for the seizure of illicit opium and the arrest of persons found in possession thereof; and in respect to such seizures and arrests, shall be deemed to be Excise officers within the meaning of this Act.

Legalization of levy of Excise duties in Oudh.

LXXXVIII. All duties heretofore levied in Oudh on spirituous and fermented liquors or intoxicating drugs shall be deemed to have been levied in accordance with law.

Indemnity-clause.

All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of any thing so done.

SCHEDULE.

(*Referred to in Section* 2.)

Number and year.	Title of Act.
XXI of 1856 ...	An Act to consolidate and amend the Law relating to the Akbaree Revenue in the Presidency of Fort William in Bengal.
XXIII of 1860 ...	An Act to amend Act XXI of 1856 (to consolidate and amend the law relating to the Akbaree Revenue in the Presidency of Fort William in Bengal.)
X of 1864	An Act to amend Act XXI of 1856 (to consolidate and amend the law relating to the Akbaree Revenue in the Presidency of Fort William in Bengal).
XXVIII of 1864 ...	An Act to provide for the extension of Act XXI of 1856 (to consolidate and amend the law relating to the Akbaree Revenue in the Presidency of Fort William in Bengal) to the provinces under control of the Lieutenant-Governor of the Punjab.
XXIII of 1868 ..	An Act to give validity to certain Abkaree Rules in British Burma.

ACT XI OF 1871.

REPEALED BY ACT XXXII OF 1871.

ACT XII OF 1871.

(*Received the assent of the Governor General on the* 31*st March* 1871.)

THE INDIAN INCOME TAX ACT.

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An Act for imposing Duties on Income.

Preamble. For the purpose of imposing duties on income arising from offices, property, professions and trades; it is hereby enacted as follow:—

PART I.

Preliminary.

Short title. Local extent. Commencement & continuance of Act. I. This Act may be called "The Indian Income Tax Act:" it extends to the whole of British India: it shall come into force on the first day of April 1871, and it shall cease to be in force on the thirty-first day of March 1872, except as to taxes then due and penalties incurred thereunder.

Repeal of Act XVI of 1871. Proviso. II. On and from the said first day of April 1871, Act No. XVI of 1870 shall be repealed: provided that such Act shall continue in force until the first day of April 1872 as to taxes and penalties due and incurred thereunder.

The references made in the Court Fees Act, Schedule II, to the Indian Income Tax Act shall be deemed to be made to this Act.

Interpretation-clause. "Income." "Magistrate." "Company." "Person." "Defaulter." "Collector." III. In this Act, unless there be something repugnant in the subject or context, "Income" means income and profits accruing and arising in British India: "Magistrate" means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the First Class, and includes a Magistrate of Police and a Justice of the Peace. "Company" means an Association carrying on business in British India whose stock or funds is or are divided into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not: "Person" includes a firm and a Hindú undivided family: "Defaulter" includes a Company or firm making default under this Act. In the case of Company or Municipal or other public Body or Association not being a Company, "Collector" means the Collector of Land Revenue of the place or district at or in which its principal place of business in British India is situate. And in the case of any person or Hindú undivided family chargeable under this Act, "Collector" means the Collector of Land Revenue of the place or district at or in which such person or family resides.

Exemptions from Act. IV. Nothing in this Act applies to the pay and allowances of officers, warrant officers, non-commissioned officers and privates of Her Majesty's Forces or of Her Majesty's Indian Forces, who are not in Civil employment, when such pay and allowances do not exceed five hundred rupees per mensem; or to any moveable or immoveable property solely employed for religious or charitable public purposes. And no member of a firm or of a Hindú undivided family which is for the time being chargeable under this Act shall, as such, be chargeable under this Act.

Power to exempt from Act. V. The Governor General in Council may, from time to time, by order wholly exempt from the operation of this Act the whole or any part of the income of any tribe or class of persons in British India.

The Governor General in Council may revoke any such order.

All orders and revocations made under this section shall be published in the *Gazette of India*.

PART II.

Duties on Offices.

Duties on offices. VI. A duty of two pies for every rupee shall be levied in respect of every office or employment of profit in British India under Government or under a Company or a Municipal or other public Body or Association not being a Company, and upon every salary, annuity or pension paid in British India by Government or by a Company or by a Municipal or other

public Body or Association not being a Company to any person residing in British India or serving on board a ship plying to and from British Indian ports, whether on account of himself or another person.

Exemption of incomes less than Rs. 62 8 per mensem.

VII. No income amounting to less than sixty-two rupees eight annas per mensem shall be chargeable under this Part.

Deduction in case of Government officials and pensioners.

VIII. In the case of every person holding any paid office, employment or commission under Her Majesty or under the Government of India, or under any Local Government, or receiving any annuity or pension from Her Majesty or any such Government, the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

Deductions in case of servants and pensioners of Companies and Municipalities.

IX. In the case of every person holding a paid employment under, or receiving any annuity or pension from, any Company, or any Municipal or other public Body or Association not being a Company, the duty to which he is liable under this part shall be deducted from his pay, annuity or pension at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Payment to Government.

Every such Treasurer or other officer shall as soon as may be, after making such deductions, pay to the credit of the Government of India, or as such Government from time to time directs, the amount of such deductions, and shall be answerable to such Government for such payment.

Indemnity.

Every Company, public Body or Association, Treasurer, or other officer as aforesaid is hereby indemnified for all deductions and payments made in pursuance of this part.

Annual return by Treasurer, &c.

The Treasurer, Secretary or principal Agent or Manager of every such Company and public Body or Association shall prepare, and, on or before the thirtieth day of April next, deliver to the Collector in such form as may be prescibed by the Governor General in Council, a return in writing showing the names of every person holding at the date of the said return a paid employment under or receiving a pension or annuity from the Company or Body or Association, whose pay or pension or annuity as such amounts to sixty-two rupees eight annas per mensem or upwards, together with the salaries, annuities or pensions payable by the Company or public Body or Association to all such persons respectively.

Subsequent deduction of duty omitted to be levied

X. Whenever the duty leviable under this Part in any month is not deducted at the time of payment in that month from the pay, annuity or pension chargeable therewith, it shall be deducted from such pay, annuity or pension at some subsequent time of payment.

PART III.

Duties on Profits of Companies.

Shipping Companies.

XI. The Treasurer, Secretary or principal Agent or Manager in India of every Company shall, in the case of a Shipping Company trading between British India and any other country, pay to Government in respect of one moiety of the nett profits made by each of the ships of such Company engaged in such trade, during the year ending on the day on which the Company's accounts shall have been last made up, the duty of two pies in the rupee: and, in the case of every other Company, pay to Government in respect of the whole of the nett profits made in British India by such Company during the year ending on the day on which the Company's accounts shall have been last made up, the duty of two pies for every rupee, and shall prepare, and, on or before the thirtieth day of April next, deliver to the Collector, a statement in writing signed by him showing the result of such accounts.

Other Companies.

Statement of result of accounts.

Annual return of nett profits.

XII. If in the case of any Company no such accounts have been made up within the year ending on the thirty-first day of March, 1871, the

Treasurer, Secretary or principal Agent or Manager of such Company shall prepare, and, on or before the thirtieth day of April next, deliver to the Collector a return in writing signed by him and stating the nett profits made by such ships or by the Company (as the case may be) during the year ending on the said thirty-first day of March.

Power to require officers of Companies to attend and produce accounts.

XIII. Whenever the Collector has reason to believe that any statement or return mentioned in section eleven or section twelve is incorrect or incomplete, he may cause a notice to be served on the Treasurer, Secretary, Agent or Manager by whom such statement or return was delivered, requiring him, on or before a day to be mentioned in the notice, to attend at the Collector's office and to produce for the inspection of the Collector such of the accounts of the Company as refer to the year mentioned in section eleven or section twelve (as the case may be) and as are in the possession or power of such Treasurer, Secretary, Agent or Manager.

The Collector shall thereupon make an order determining the amount at which the Company shall be assessed under this Part and the day on which such amount shall be paid, and, subject to the provisons hereinafter contained, such sum shall be payable accordingly.

Indemnity.

XIV. Every such Treasurer, Secretary, Agent or Manager is hereby indemnified for all payments made in pursuance of section eleven or section thirteen.

PART IV.

Duties on Interest on Government Securities.

Duty on interest.

XV. A yearly duty of two pies for every rupee shall be levied upon all interest on securities of the Government of India becoming due on or after the first day of April 1871.

Deduction of duty.

XVI. Every person empowered to pay such interest shall deduct the duty at the place where the interest is paid, and shall, as soon as may be after making such deduction, pay the same to the credit of the Government of India, or as such Government from time to time directs: provided that no such duty shall be deducted from the interest on any such security where the owner thereof produces a certificate signed by the Collector that his annual income, including such interest, is less than seven hundred and fifty rupees.

Proviso.

PART V.

Duties on all other Income.

Duty on income not charged under Parts II, III, IV.

XVII. A yearly duty of two pies for every rupee shall be levied upon all incomes of seven hundred and fifty rupees per annum or upwards not chargeable under Part II, Part III, or Part IV of this Act.

Trustees, guardians and committees of incapacitated persons to be charged.

XVIII. The trustee, guardian, curator, or committee of any infant, married woman, subject to the law of England, lunatic, or idiot, and having the control of the property of such infant, married woman, lunatic, or idiot, whether such infant, married woman, lunatic, or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot be chargeable under this Part, be chargeable with the said duty in like manner and to the same amount as would be charged to such infant if of full age, or to such married woman if she were sole, or to such lunatic or idiot if he were capable of acting for himself.

Non-residents charged in names of their agents.

Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under this Part, shall be chargeable in the name of such agent in the like manner and to the like amount as he would be charged if resident in British India and in actual receipt of such income.

Trustees or agents of persons incapacitated or non-resident to furnish statements of income or profits with declaration.

XIX. Every trustee, guardian, curator, committee or agent shall, when required by the Collector, deliver a statement signed by him, of the amount of the income in respect whereof he is chargeable on account of such infant, married woman, lunatic, idiot or non-resident, together with a declaration of the truth of the statement.

The Collector shall have power to serve a notice upon any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent requiring him to deliver on or before a day to be specified in the notice, a statement signed by him of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent.

Receivers, Managers, Court of Wards, Administrators General and Official Trustees.

XX. Receivers or Managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees, shall be chargeable under this Act in respect of all income officially in their possession or under their control.

Power to retain duties charged on Trustees, &c.

XXI. When any trustee, guardian, curator, committee, or agent is assessed under this Act in such capacity, or when any Receiver or Manager appointed by any Court, Court of Wards, Administrator General, or Official Trustee is assessed under this Act in respect of the income and profits officially received by him, every person and Court so assessed may, from time to time, out of the money coming to his or its possession as such trustee, guardian, curator, committee, or agent, or as such Receiver, Manager, Court of Wards, Administrator General or Official Trustee, retain so much as shall be sufficient to pay the amount of the assessment. Every such person and Court is hereby indemnified for every retention and payment made in pursuance of this Act.

Indemnity.

Owners of lands and houses occupying them.

XXII. Owners of lands or houses occupying the same shall be chargeable in respect of the annual value thereof at nine-tenths of the full rent at which such lands or houses are worth to be let for the year. The Local Governme t may, with the sanction of the Governor General in Council, prescribe, for the whole or any part of the territories subject to such Local Government, special rules for the assessment of incomes derived from land, at an amount bearing a fixed proportion to the revenue assessed hereon. All such rules shall be published in the local official Gazette and shall thereupon have the force of law.

Special Rules for assessing income from land.

Notice requiring returns.

XXIII. In the case of every person chargeable under this Part whose annual income or profits is or are in the Collector's opinion four thousand rupees or upwards, the Collector shall, and in the case of every other person so chargeable, the Collector may, cause a notice to be served on him requiring him to fill in a return of his income during one year ending on the day of the year immediately preceding the year of assessment on which his accounts have been usually made up or on the thirty-first day of March 1871, and to state in such return the period during which such income has actually accrued. Such notice shall be in the form to be prescribed by the Governor General in Council, and shall specify the day by which the return is to be made, and the place of the Collector's office at which the return is to be made. Every such notice shall be signed by the Collector. The form of the return shall accompany the notice.

Return how made

XXIV. Every person on whom such notice is served shall send to or deliver at the Collector's office the return duly filled and signed by him. A declaration shall be added by such person at the foot of the return, (*a*), that the income stated therein is truly estimated on all the sources therein mentioned, (*b*), that it has actually accrued within the period therein stated and (*c*), that he has no other source of income.

Lists of lodgers and employees.

XXV. Every person, when required so to do by a notice in the form to be prescribed by the Governor General in Council shall, within the period mentioned in such notice, prepare and deliver to the Collector a list containing, to the best of his belief, the name of every lodger or inmate resident in his dwelling-house, and of any other persons receiving salary or

omoluments amounting to sixty-two rupees eight annas per mensem or upwards, employed in his service, whether resident in such dwelling-house or not, and the place of residence of such of them as are not resident in such dwelling-house, and also of any such lodger or inmate who has any ordinary place of residence elsewhere, at which he is liable under this Act to be assessed, and who desires to be so assessed at such place.

Such list shall be signed by the persons respectively delivering the same and shall be prepared in the form to be prescribed as aforesaid.

Collector to determine persons chargeable.

XXVI. The Collector shall from time to time determine what persons are chargeable under this Part, and the amount at which every such person shall be assessed, and in making such assessment income exempted under section seven shall be treated as chargeable under this Part.

Assessment to be made on past year's income.

XXVII. Every such assessment shall be made upon the full amount of such person's income during the year ending on the day of the year next before the year of assessment on which his accounts have been usually made up, or on the thirty-first day of March 1871. In the case of a person for the first time becoming chargeable under this Part within the year of assessment, or within the year next before such year, the assessment shall be made according to an average of his income for such period as the Collector under the circumstances directs.

Assessment when assessee becomes chargeable within year.

Notice to persons chargeable.

XXVIII. The Collector shall cause a notice to be served on every person chargeable under this Part, stating, (1),—the name and the profession, trade or other source of the income of such person, or in respect of which he is chargeable; (2),—the year or portion of the year for which the duty is to be paid; (3),—the place or places, district or districts, where such income accrues; and (4),—the amount to be paid: and requiring him within fifteen days from the date of the service either to pay such amount or to apply to the Collector to have the assessment reduced or cancelled.

Officer to give receipt.

XXIX. Such amount shall be paid to the Collector, who shall give a receipt for such payment to the person making the same: provided that if such income accrues at or in more than one place or district, the receipt shall be granted and payment made by and to the Collector for the place or district at or in which the person mentioned in the notice resides, or (in the case of a firm) at or in which its principal place of business in British India is situate. Every such receipt shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf, and such signature shall be judicially noticed.

Contents of receipt.

XXX. Every such receipt shall specify, (1),—the name and source or sources of the income of the person by or on whose behalf the duty is paid; (2),—the year or portion of the year for which the duty is paid; (3),—the amount paid and the date of payment; and (4),—the place or places, district or districts, where the income accrues; and shall be admissible as evidence of all matters contained therein.

PART VI.

Petitions and Appeals against Assessments.

Petition against assessment.

XXXI. Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under Part V, may apply by petition to the Collector in order to establish his right to have the assessment reduced or cancelled. Such petition shall ordinarily be presented within fifteen days from the date of the service of the notice mentioned in section twenty-eight. But if the Collector is satisfied that the objector has not received such notice, the petition may be presented within fifteen days from the day on which in the Collector's opinion he became aware of the assessment. Provided that no person served with a notice under section twenty-three shall be entitled to apply by petition under this section unless he has made the return required in such notice on or before the day therein mentioned, or unless he satisfies the Collector that he had a sufficient excuse for not making such return.

Proviso.

The petition shall be in the form contained in the schedule hereto annexed, or as near thereto as circumstances admit, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints. Form and verification of petition.

XXXII. The Collector shall fix a day and place for the hearing of the petition, and on the day and at the place so fixed, or on the day and at the place (if any) to which he has adjourned such hearing, shall hear such petition and pass his order thereon. Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the petitioner's assessment to an amount to be specified in the order. Hearing of petition.

If the order be in favour of the petitioner, the Collector shall at once refund the fee on the petition.

If the order simply reject the petition or reject the petition and enhance the petitioner's assessment, the petitioner shall within fifteen days from the passing of the order pay the amount mentioned in the said notice or in the order of enhancement (as the case may be.)

XXXIII. Any person dissatisfied with any order under section thirteen or section thirty-two may, within fifteen days from the date thereof on payment of the sum payable under such order present a petition of appeal to the Commissioner of Revenue of the Division, whose order upon such appeal shall be final. The time requisite for obtaining a copy of the order shall be excluded in computing the said period of fifteen days. Appeal to Commissioner from order under section 13 —section 32.

The order of such Commissioner shall be final. It may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the assessment to an amount to be specified in the decision. If the order rejects the petition and enhances the assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the order of enhancement.

Every petition presented under this section shall be accompanied by a copy of the petition to the Collector, and a copy of the Collector's order thereon and a list of the documents (if any) on which the appellant relies. Neither of such copies shall be chargeable under the Court Fees Act. Documents to accompany appeal. Copies of petition and order exempt from fees.

When the decision on such appeal is in favour of the petitioner, the value of the fee on his petition of appeal, and (where he has presented a petition to the Collector) the fee on such petition, together with the excess paid by him, or (when the decision is that the petitioner, or the Company which he represents, is not chargeable under this Act) the whole sum so paid, shall at once be refunded. Return of fees and excess.

XXXIV. The Collector or Commissioner may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine how the petitioner, or the Company which he represents, should be assessed, and may examine on oath, the person so summoned and the petitioner, and may require each of them to produce any document in his possession or power relating to the sources of the income in question. Power to summon persons to give necessary information.

XXXV. Whenever the Collector has reason to believe that, in assessing any person under this Act, any source of income not specified in the receipt granted to him under section twenty-nine has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a further notice to be served on such person, stating the amount to be paid in respect of such source. Power to issue fresh notice.

The provisions contained in sections twenty-eight to thirty-four (both inclusive) shall apply to such notice and regulate the procedure thereunder.

PART VII.

Payment and Recovery of Duties.

XXXVI. All duties under this Act, except when they are deducted under section eight, section nine, or section sixteen shall be payable on the Tax when payable.

Payment by instalments.

first day of April 1871 : provided that the amount so payable may be paid by two equal instalments : the first instalment to be paid on some day not later than fifteen days after service of the notice mentioned in section twenty-eight upon the person paying the same, and the second instalment on the first day of October next.

Recovery under revenue law.

XXXVII. In any case of default under this Act, the Collector may, if a notice has been served on the defaulter requiring him to pay, within fifteen days from the date of the service, the amount of the duty or instalment due by him under this Act, either recover a sum not exceeding double the amount as if it were an arrear of land revenue, or pass an order that a sum not exceeding double the amount of such duty or instalment shall be recovered from such defaulter. Every such order shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant ; and such order may be enforced in manner provided by the Code of Civil Proceedure for the enforcement of decrees for money ; and the procedure under the said Code in respect of the following matters—(*a*), sales in execution of decrees ; (*b*), arrests in execution of decrees for money ; (*c*), execution of decrees by imprisonment ; (*d*), claims to attached property ; and (*e*), execution of decrees out of the jurisdiction of the Courts by which they were passed—shall apply to every execution issued for levying the moneys mentioned in such order, save that all the powers and duties conferred and imposed by the said Code upon the Court shall be executed by the Collector by whom such order has been made or to whom a copy thereof has been transmitted for execution according to the provisions of the said Code, section two hundred and eighty-six ; provided that, where any person has presented a petition under section thirty-one, such sum shall not be recoverable from him unless, within fifteen days from the passing of the order thereon, he fails to pay the amount (if any) required by such order. On the recovery of such sum from the defaulter, the Collector shall grant him a receipt without any further payment. Every such receipt shall bear date from the recovery of the amount, and save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

Amendment of assessment.

XXXVIII. If during, or within two months from the end of, the year for which any assessment under Part V has been made, the Company or person assessed proves to the satisfaction of the Collector, that the nett profits or income of such Company or person during such year fell short of the sum so assessed, the Collector may cause the assessment made for such year to be amended as the case requires, and if the sum assessed has been paid, may refund the sum overpaid,

In case any Company or person assessed under Part III or Part V ceases to carry on the trade or business in respect whereof such assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such Company or person is from any other specific cause deprived of or loses the income on which the assessment was made, such Company or person or its or his representative in interest may apply to the Collector within three months after the end of such year, and on proof thereof to his satisfaction, the Collector shall amend the assessment as the case may require, and give such relief to the Company or person charged as is just, and in cases requiring it the Collector shall refund such sum as has been overpaid on the assessment amended or vacated.

PART VIII.

Penalties.

Treasurers, &c, failing to make payments or deliver returns.

XXXIX. Every Treasurer, Secretary, Agent, Manager or other person failing to make any payment or deduction, or to prepare and deliver in due time any statement or return, or to produce any accounts, required

by section nine, ten, eleven, twelve or thirteen, and every trustee, guardian, curator, committee or agent failing to deliver any statement or declaration required by section nineteen, shall for every day during which such default continues, be fined, on conviction before a Magistrate, ten rupees. The Commissioner of the Division shall have power to remit wholly or in part any penalty imposed under this section.

Trustees, &c., failing to deliver statements or declarations.

XL. Whoever makes a statement in any declaration or list made or delivered under section twenty-four or twenty-five, which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have committed the offence described in section one hundred and seventy-seven of the Indian Penal Code. Whoever makes a statement in any petition presented under section thirty-one which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

False statement in declaration, list or petition.

XLI. No person shall be proceeded against for any offence under section thirty-nine or section forty except at the instance of the Collector.

Prosecution to be at instance of Collector.

XLII. In sections one hundred and ninety-three and two hundred and twenty-eight of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

Sections 193 and 228 of Penal Code to apply to proceedings.

PART IX.

MISCELLANEOUS.

XLIII. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act.

Bar of suits in Civil Court.

XLIV. All or any of the powers and duties conferred and imposed by this Act on a Collector and on a Commissioner of Revenue may be exercised and performed by such other officers or persons as the Local Government shall from time to time appoint in this behalf.

Exercise of powers of Collector and Commissioner.

XLV. Service of any notice under this Act shall be made by delivering or tendering a copy thereof under the signature of the Collector. Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm or a Hindú undivided family, on some member thereof.

Service of notices.

When such person or member cannot be found, the service may be made on any adult male member of his family residing with him ; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person or firm therein named ordinarily dwells or carries on business.

XLVI. When any Company or firm has several places of business in the territories subject to different Local Governments, the Governor General in Council shall have power to declare which of such places shall, for the purpose of this Act, be deemed to be the principal place of business, and when any Company has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

Power to declare principal place of business.

When any Company or firm has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

When any person has several places of residence in the territories subject to different Local Governments, the Governor General in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence, and when any person has several places of residence in the territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence.

Power to declare residence.

The powers given by this section may be delegated to and exercised by such officers as the Governor General in Council or the Local Government, as the case may be, shall from time to time appoint in this behalf.

Power to prescribe forms and make rules.

XLVII. The Governor General in Council may from time to time, (*a*) prescribe forms for the returns, notices and lists hereinbefore mentioned, (*b*), make rules consistent with this Act for the guidance of officers in matters connected with its enforcement, and (*c*), delegate to any Local Government the powers given by this section, clause (*b*), so far as regards the territories subject to such Government.

SCHEDULE.

Form of Petition under Section 31.

Stamp eight annas.

To the Collector of

The——day *of*——187—

The petition of A. B. of——

Sheweth—

1.—That under the Indian Income Tax Act your petitioner has been assessed in the sum of *twenty-seven* rupees for the year commencing the first day of April 187 .

2.—That your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits and the place or places at which such income or profits accrues or arise*] for the year ending the thirty-first day of March last were——Rupees——, as will appear from the documents of which a list is presented herewith.

3.—That such income and profits actually accrued and arose during a period of——months and——days. [*Here state the exact number of months and days in which the income and profits accrued and arose*]

4.—That during the said year, your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly, and that the value of the fee on this petition may be refunded [or that he may be declared not to be chargeable under the said Act, and that the value of the fee on this petition may be refunded.]

(Sd.) A. B.

Form of Verification.

I, A.B., the petitioner named in the above petition do declare that what is stated therein is true to the best of my information and belief.

(Sd) B.A

ACT XIII of 1871.

(*Received the assent of the Governor General on the* 31*st March* 1871.)

CONTENTS.

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AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO CUSTOMS DUTIES.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the duties of Customs on goods imported and exported by sea; it is hereby enacted as follows:—

Short title. Local extent. Commencement.

I. This Act may be called "The Indian Tariff Act, 1871;" it extends to the whole of British India except Aden; and it shall come into force on the passing thereof.

Duties specified in schedules A and B to be levied.

II. There shall be levied and collected, in every port to which this Act applies, the duties specified in schedules A and B hereto annexed.

Goods partially composed of dutiable articles.

III. Goods not prohibited to be imported into or used in British India, composed of any article liable to duty as a part or ingredient thereof, shall be chargeable with the full duty payable on such article, or if composed of more than one article liable to duty, then with the full duty payable on the article charged with the highest rate of duty.

Saving clause.

IV. Nothing herein contained affects Act No. XX of 1867, or authorizes, (1) the levy of import duties on articles (other than salt, opium and spirits) imported into one port in British India from another: (2) the levy of export duties on articles exported from one port in British India to another: (3) the levy of export duties on articles exported by sea to any place other than a foreign port in India, when such articles have been imported by sea into British India. And notwithstanding anything herein contained, no opium shall be exported from British India, unless it be covered by a pass granted by an officer appointed in this behalf by the Local Government.

Construction of section 27 of Act VI of 1863.

V. Section twenty-seven of the Consolidated Customs Act shall be construed as if for the words "for which a specific value has not been fixed by the Local Government with the sanction of the Governor General of India in Council," the following words were substituted (that is to say) "for which a specific value is not fixed by the Indian Tariff Act, 1871;" but save as aforesaid, nothing herein contained shall be construed to affect the provisions of the Consolidated Customs Act.

Power to fix value of dutiable goods.

VI. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, fix for the purposes of this Act the value of any goods exported or imported by sea on which duties of customs are hereby imposed.

Pepper exported by sea from Cochin.

VII. Nothing in schedule B hereto annexed applies to pepper exported by sea from the port of Cochin. But on all such pepper there shall be levied such duty, not exceeding nine rupees per khandí, as the Governor of Fort Saint George in Council from time to time determines; and at the close of each year, or as soon after as may be convenient, the Collector of Customs at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Government of Travancore and Cochin, in such proportions and in such manner as the said Governor in Council from time to time directs.

Duties on goods crossing frontiers of foreign European States in Presidencies of Madras and Bombay.

VIII. Duties of Customs shall be levied on goods passing by land into or out of foreign European Settlements situate on the line of coast within the limits of the Presidency of Fort Saint George or the Presidency of Bombay at the rates prescribed in the schedules A and B hereto annexed.

Repeal of enactments.

IX. The enactments mentioned in schedule C hereto annexed are repealed to the extent specified in the third column of the same schedule.

SCHEDULE A.

IMPORT TARIFF.

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
1	*Apparel including Haberdashery, Millinery, &c.* ...	*Ad valorem.*	
2	*Arms, Ammunition and Military Stores—*		
	Gunpowder, common ...	0 5 per lb.	
	„ sporting ...	1 0 „	
	Fire-arms and parts thereof ...	*Ad valorem.*	
	All other sorts, including Military Accoutrements, Uniforms, &c, but excluding Military and other Regulation Accoutrements and Uniforms imported for private use by persons in the public service ...	*Ad valorem.*	
3	*Asphalt* ...	20 0 per ton.	
4	*Beads and False Pearls—*		
	Beads, China ...	30 0 per cwt.	
	„ Common ...	28 0 „	
	„ Ruby of all sizes ...	0 12 per lb.	
	„ Seed ...	0 10 „	
	„ Small, Scarlet and Red ...	0 10 „	
	„ Coral (false) Moorzun ...	0 8 per corge of 2,000 beads.	
	All other sorts of false Corals and Beads ...	*Ad valorem.*	
	Pearls, falve, Bajoria ...	5 0 per lakh.	Seven and a half per cent.
	„ Boria ...	1 0 per thousand.	
	„ Jouria ...	8 0 per lakh.	
	„ Nathia ...	0 6 per thousand.	
	Pearls, false Tachea ...	0 12 „	
	„ Watlanah ...	10 0 per lakh.	
	All other sorts ...	*Ad valorem.*	
5	*Cabinet-ware* ...	*Ad valorem.*	
6	*Candles, Wax, Composition and other kinds—*		
	Candles, War ...	1 0 per lb.	
	„ Paraffine ...	0 8 „	
	„ Spermaceti ...	0 8 „	
	„ Composition and other sorts ...	0 5 „	
7	*Carriages* ...	*Ad valorem.*	
8	*Clocks, Watches, and other Time-keepers* ..	*Ad valorem.*	
9	*Coffee—*		
	Persian Gulf and Red Sea	30 0 per cwt.	
	Other places	20 0 „	
10	*Corals, real*	*Ad valorem.*	
11	*Corks*	1 8 per grs.	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
12	*Cotton*—		
	Thread—		
	Sewing Thread, White and Coloured	0 11 per lb.	
	„ In reels, or on cards of one hundred yards (and *pro rata* above and below)*	2 4 per gross reel.	Seven and a half per cent.
	„ Goa and Country ...	30 0 per cwt.	
	Twist—		
	Mule, under No. 15 ...	0 6 per lb.	
	Nos. 16 to 24	0 9 „	
	25 to 32	0 10 „	
	33 to 42	0 11 „	
	43 to 52	0 12 „	
	53 to 60	0 14 „	
	No. 70 ...	0 15 „	
	80 ...	1 0 „	
	90 ...	1 1 „	
	1 0 ...	1 2 „	
	110 ...	1 3 „	
	120 ...	1 4 „	Three and a half per cent.
	and one anna additional for every count of ten above No. 120 ...		
	Water, No. 20 ...	0 10 „	
	30 ...	0 11 „	
	40 ...	0 13 „	
	50 ...	0 15 „	
	Above 50 ...	1 2 „	
	Turkey Red Twist, all kinds†	1 6 per lb.	Three and a half per cent. † Duty to be charged on the Grey weight of the Coloured Yarn; when not ascertainable, the actual Wharf weight or Invoice weight to be taken.
	Twist, Orange, Red and other Colours†	0 15 „	
	Piece Goods—		
	Grey—		
	Mulls	1 1 per lb.	
	Jaconets exceeding 10 by 10 to the quarter inch ...	0 13 „	Five per cent.
	Other Jaconets ...	0 11 „	
	Shirtings, Madapollams and Prints	0 11 „	

* Exceeding this length to be charged in proportion.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	Cotton.—Contd. ...		
	Piece Goods— ...		
	Grey— ..	Es. A.	
	Long Cloths, Jeans, Domestics, Sheetings, Drills and T. Cloth ...	0 9 per lb.	Five per cent.
	Other sorts ...	*Ad valorem.*	
	Cotton Rope ...	25 0 per cwt.	
	Cotton Goods, other kinds ...	*Ad valorem.*	
13	*Drugs and Medicines*—		
	Acid Sulphuric ...	0 3 per lb.	
	Alkali, Country (Sajee Khar) ...	2 0 per cwt.	
	Aloes, black ...	10 0 „	
	„ Socotra ...	25 0 „	
	Alum ...	3 8 „	
	Arsenic ...	25 0 „	
	„ China, Munseel ...	8 0 „	
	Assafœtida (Hing) ...	55 0 „	
	„ Coarse (Hingra) ...	10 0 „	
	Brimstone, Flour ...	7 0 „	
	„ Roll ...	6 0 „	
	„ Rough ...	4 8 „	
	Camphor, Bhimsing (Barras) ...	50 0 per lb.	
	„ Refined cake ...	65 0 per cwt.	
	„ Crude in powder ...	50 0 „	
	Cassia Lignea ...	38 0 „	
	Coova, red ...	*Ad valorem.*	
	Copperas, green ..	2 8 per cwt.	
	Quinine ...	*Ad valorem.*	Seven and a half per cent.
	Sal Ammoniac ...	22 0 per cwt.	
	Salep ...	60 0 „	
	Senna Leaves ...	6 0 „	
	All other sorts ...	*Ad valorem.*	
14	*Dying and Colouring Materials*—		
	Cochineal ...	1 12 per lb.	
	Gallnuts, Country, Myrabolam ...	3 0 per cwt.	
	„ Persian ...	35 0 „	
	Gamboge Wood ...	20 0 „	
	Madder or Munjeet ...	10 0 „	
	Orchilla Weed ...	8 0 „	
	Saffron, Europe ...	16 0 per lb.	
	„ Meadow, Soorunjun ...	10 0 per cwt.	
	„ Persian ...	12 0 per lb.	
	„ In cakes or lumps ...	5 0 „	
	Sapan Wood and Root ...	3 8 per cwt.	
	Aniline Dyes ...	0 8 per oz.	
	All other sorts ...	*Ad valorem.*	
15	*Fireworks*—		
	China ...	30 C per box of 133½ lbs	
	Other sorts ...	*Ad valorem.*	
16	*Flax, Manufactures of*—		
	Piece Goods ...	*Ad valorem.*	Five per cent.
	Other sorts, including linen thread	*Ad valorem.*	
17	*Fruits and Vegetables*—		
	Almonds, without shell ...	25 0 per cwt.	Seven and a half per cent.
	„ with shell ...	10 0 „	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	Fruits and Vegetables—contd.	Rs. A,	
	Cajoo Kernels ...	10 0 per cwt.	
	Cocoanuts ...	30 0 per thousand.	
	„ kernel (Copra) ...	9 8 per cwt.	
	Currants, Europe ...	35 0 „	
	„ Persian ...	12 0 „	
	Dates, dry, in bags ...	4 0 „	
	„ wet, „ ...	3 0 „	
	„ „ in pots ...	6 0 „	
	Figs, Europe ...	42 0 „	
	„ Persian, dried ...	6 0 „	
	Garlic ...	4 0 „	
	Pistachio Nuts ...	14 0 „	
	Prunes, Bussorah ...	12 0 „	
	Raisins, Black, Persian Gulf, Red Sea, and Khismis ...	12 0 „	
	„ Monocka, Persian Gulf, and Red Sea ...	7 10 „	
	„ Malaga and Bloom ...	0 10 per lb.	
	„ Other sorts ...	*Ad valorem.*	
	Walnuts, Akroot ...	5 0 per cwt.	
	Mangoes, dried ...	*Ad valorem.*	
	Prunes, Europe ...	*Ad valorem.*	
	Other sorts, except Bidmishk and Buzarbutto Nuts which are free ...	*Ad valorem.*	
18	*Glass and Glass-ware*—		
	Bangles, Glass, China, Gilt ...	10 0 per 100 pairs.	Seven and a half per cent.
	„ not Gilt ...	5 0 „	
	Glass, broken ...	5 0 per cwt.	
	„ China, of all colours ...	32 0 per 133½ lbs.	
	„ Crown, coloured ...	32 0 per 100 supl. feet.	
	„ „ of sizes ...	5 0 „	
	Glass and Glass-ware of all other sorts, except Bottles which are free ...	*Ad valorem.*	
19	*Gums*—		
	Gum, Ammoniac ...	10 0 per cwt.	
	„ Arabic ...	16 0 „	
	„ Bdellium, common Gum ...	5 0 „	
	„ Benjamin ...	33 0 „	
	„ Bysabole, coarse Myrrh ...	12 0 „	
	„ Copal ...	65 0 „	
	„ Frankincense or Olibanum ...	9 0 „	
	„ Gambier (or Kino) ...	8 0 „	
	„ Myrrh ...	24 0 „	
	„ Persian (False) ...	3 0 „	
	„ Rosin ...	12 0 „	
	All other sorts ...	*Ad valorem.*	
20	*Groceries not otherwise described*	*Ad valorem.*	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
21	*Hides and Skins*—		
	Border Hides, prepared ...	30 0 each.	
	Buffalo Hides, Country, Tanned ...	80 0 per score.	
	Calf Skins ...	40 0 per doz.	
	Chamois Skins ...	6 0 „	
	Cow Hides, Country, Tanned ...	60 0 per score.	
	Rhinoceros Leather ...	40 0 per cwt.	
	Other sorts ...	*Ad valorem.*	
22	*Instruments, Musical* ...	*Ad valorem.*	
23	*Ivory and Ivory-ware*—		
	Elephants' Grinders ...	16 0 per cwt.	
	Tusks above twenty lbs. ...	300 0 „	
	Tusks ten lbs. and not exceeding twenty lbs. ...	225 0 „	
	Tusks under ten lbs ...	125 0 „	Seven and a half per cent.
	Sea Cow or Moye Teeth, three lbs. and upwards ...	225 0 „	
	Sea Cow or Moye Teeth, under three lbs ...	75 0 „	
	Ivory, manufactures of ...	*Ad valorem.*	
24	*Jewellery, including Plate*—		
	Silver ware, plain ...	1 6 per tolah	
	„ embossed ...	2 0 „	
	Jewellery and Plate of all other kinds, excepting Precious Stones and Pearls, which are free ...	*Ad valorem.*	
25	*Leather and Manufactures of*—		
	Leather ...	*Ad valorem.*	
	Boots and shoes ...		
	Harness and Saddlery ...		
	Other sorts ...		
26	*Liquor*—		
	Ale, Beer and Porter	.....	One anna per Imperial Gallon.
	Cider and other fermented Liquors	.....	Three Rupees the Imperial Gallon, and the duty to be rateably increased as the strength exceeds London Proof.
	Spirits ...	.....	Provided that ten per cent. *ad valorem* shall be charged on all spirits used exclusively in Arts and Manufactures, or in Chemistry, subject to such rules as the Local Governments shall from

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	Liquor—contd.		
	Spirits ...		time to time prescribe, for ascertaining that such spirits are unfit for use as a beverage and incapable of being converted to that purpose. And the officer in charge of the Custom House, subject to the general instruction of the Local Government, shall decide what spirits fall within the proviso, and his decision thereon shall be final in law.
	Wines—		Rs. A.
	Champagnes, Sparkling Wines and Liqueurs ...	.....	1 8 per Imperial Gallon or six Quart Bottles.
	All other sorts ...	.....	1 0 ditto.
27	*Matches*—		
	Lucifer and all other sorts ...		
28	*Mats, Floor Matting, China of all sorts* ...	*Ad valorem.*	
29	*Metals, Unwrought, Wrought and Manufactures of*— ...	50 0 per hundred	
	Brass beads, Googree, China ...	0 12 per thousand	
	„ Old ...	35 0 per cwt.	
	„ Sheets, rolls very thin ...	80 0 „	
	Cooper, Australian Cake ...	41 0 „	
	„ Bolt ...	43 0 „	
	„ Brazier's ...	43 0 „	
	„ China Cash ...	28 0 „	Seven and a half per cent.
	„ Japan ...	41 0 „	
	„ Nails and Composition Nails	43 0 „	
	„ Old ...	40 0 „	
	„ Pigs and Slabs, Foreign ...	38 0 „	
	„ Sheet, Sheathing and Plate...	43 0 „	
	„ Tiles, Ingots, Cakes and Bricks	40 0 „	
	„ China, White Copper-ware ..	1 4 „	
	„ Foil Dauk-panna, China ...	3 0 pe book of 1r0 leaves.	
	„ „ „ Europe ...	4 0 „	
	All other kinds	*Advalorem.*	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
29	*Metals, &c.*—contd.	Rs. A.	
	Iron, Angle and T Iron ...	*Ad valorem.*	One per cent.
	„ Beams, Pillars, Girders and Bridge-work ...	*Ad valorem.*	
	„ Flat, Square and Bolt, including Scotch ...	80 0 per ton.	
	„ Hoop, Plate and Sheet ...	100 0 „	
	„ Nails, Rivets and Washers ...	10 0 per cwt.	
	„ Nail, Rod ...	90 0 per ton.	
	„ Old ...	2 8 per cwt.	
	„ Pig ...	40 0 per ton.	
	„ Rod, Round, British, under half inch diameter ...	105 0 „	
	„ Rod, Round, British, exceeding half inch diameter ...	80 0 „	
	„ Swedish, Flat and Square ...	120 0 „	
	„ Rice Bowls ...	3 0 per set of ten.	
	„ „ „ ...	1 8 per set of six.	
	„ Galvanised ...	*Ad valorem.*	
	„ Other sorts, except Anchors, Cables and Kentledge, which are free...	*Ad valorem.*	
	Lametta, Double reels ...	4 8 per score.	
	„ Single „ ...	2 4 „	
	Lead, Pig ...	10 0 per cwt.	
	„ Pipes ...	13 8 „	
	„ „ tinned ...	16 0 „	
	„ Sheets (other than thin Sheets for Tea Canisters, which are free) ...	12 0 „	
	Ore Galena ...	13 0 „	
	Gold leaf, Europe. ...	4 0 per 100 leaves.	
	Mock Gold leaf ...	5 0 per 20 books.	
	Orsidue or Brass Leaves, foreign Europe ...	1 4 per lb.	
	„ „ China ...	0 12 „	
	Patent or Yellow Metals, Sheathing and Sheets and Bolts	35 0 per cwt.	Seven and a half per cent.
	„ Ditto old ...	30 0 „	
	Quicksilver ...	1 0 per lb.	
	Shot, Bird ...	15 0 per cwt.	
	Spelter Nails ...	17 8 „	
	„ Plate and other shapes ...	11 0 „	
	„ Sheet or Zinc Sheathing ...	15 0 „	
	Steel, Blistered ...	9 0 „	
	„ British ...	9 0 „	
	Cast ...	25 0 „	
	„ Spring ...	10 0 „	
	„ Swedish ...	10 0 „	
	Tin, Block ...	45 0 „	
	„ Plates ...	12 8 „	
	Wire, Brass ...	0 8 per lb.	
	„ Common Iron, Nos. 1 to 40 ..	9 8 per cwt.	
	„ Copper ..	0 10 per lb.	
	Other sorts, including Hard-ware, Iron-mongery, and Cutlery, but excluding Machinery, the component parts thereof,		

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
29	*Metals, &c.*—contd.	Rs. A.	
	and Agricultural Implements which are free ...	*Ad valorem.*	Seven and a half per cent.
30	*Naval Stores*—		
	Cables, Coir, tarred ...	10 0 per cwt.	
	Canvas, Country, Cotton ...	50 0 „	
	„ Europe, sail not exceeding forty yards. ...	15 0 per bolt.	Five per cent.
	Coir, Rope, Maldive and Laccadive...	10 0 per cwt.	
	Yarn of all kinds ..	9 0 „	
	Cordage, Hemp, Europe ...	18 0 „	
	Manilla ...	20 0 „	
	Dammer „ ...	5 0 „	
	Pitch, American and Europe.	13 0 per barrel not exceeding three cwt. and *pro rata* above and below.	
	„ Coal.	4 8 per barrel not exceeding three cwt. and *pro rata* above and below.	
	Tar, American ...	13 0 ditto	
	„ Coal ...	6 8 ditto	
	„ Swedish and Archangel ...	14 0 ditto	
	Twine Europe, Sail ...	0 8 per lb.	
	All other sorts, except Oakum, which is free ...	*Ad valorem.*	
31	*Oils*—		
	Cardamom ...	10 0 per lb.	Seven and a half per cent.
	Cassia ...	4 0 „	
	Cinnamon, Ceylon ...	10 0 „	
	Cocoanut ...	20 0 per cwt.	
	Earth ..	10 0 „	
	Grass ...	2 0 per lb.	
	Jingelee or Teel ..	20 0 per cwt.	
	Kerosine, Paraffine, Petroleum, Rock and Shale Oils of all descriptions.	0 12 per impl. gal.	
	Linseed, Country ...	18 0 per cwt.	
	„ Europe ...	2 4 per impl. gal.	
	Naphtha ...	30 0 per cwt.	
	Otto, of sorts ...	20 0 per. oz.	
	Sandalwood ...	8 0 per lb.	
	Sorrel ...	20 0 per cwt.	
	Turpentine ...	2 0 per impl. gal.	
	Whale and Fish ...	15 0 per cwt.	
	Wood ...	15 0 „	
	All other sorts, except Cocum and Slush Fat, which are free ...	*Ad valorem.*	
32	*Oil and Floor Cloth* ...	*Ad valorem.*	Five per cent.
33	*Opium* ...		Twenty-four rupees per seer of eighty tolas.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
34	*Paints, Colours and Painter's Materials*—		
	Ochre, all colours ...	3 0 per cwt.	
	Paints of sorts ...	12 0 ,,	
	Composition Paint and Patent Driers	30 0 ,,	
	Prussian Blue, China ...	0 8 per lb.	
	,, ,, Europe ...	1 8 ,,	
	Red Lead ...	14 0 per cwt.	
	Turpentine ...	2 0 per impl. gal.	
	Verdigris ...	75 0 per cwt.	
	Vermillion, Canton ...	80 0 per box of 90 bundles	Seven and a half per cent.
	,, Macao ...	30 0 per box of 90 bundles	
	White Lead ...	12 0 per cwt.	
	All other sorts, including Brushes ..	*Ad valorem.*	
35	*Perfumery*—		
	Atary, Persian ...	15 0 per cwt.	
	Rose Flowers, Dried ...	10 0 ,,	
	Rose water ...	1 12 per impl. gal.	
	All other sorts ...	*Ad valorem.*	
36	*Photographic Apparatus and Materials* ...	*Ad valorem.*	
37	*Piece Goods not otherwise described* ...	*Ad valorem.*	Five per cent.
38	*Porcelain and Earthen-ware* ..	*Ad valorem.*	
39	*Provisions and Oilman's Stores*— ...		
	Bacon in Canisters, Jowls and Cheeks	0 9 per lb.	
	Beef ..	60 0 per tierce of 3 cwt. / 40 0 per barrel of 2 cwt.	
	Cheese ...	0 10 per lb.	
	Fish Maws ..	50 0 per lb.	
	Fish Sonille and Singally, small ...	6 0 per cwt.	
	Flour ...	25 0 per barrel or sack of 200 lbs.	Seven and a half per cent.
	Ghee ...	36 0 per cwt.	
	Hams ...	0 8 per lb.	
	Pork ...	50 0 per tierce of three cwt. and 34 0 per barrel of 2 cwt.	
	Shark fins ...	20 0 per cwt.	
	Tongues, Salted ...	10 0 per keg of six.	
	Vinegar in wood, Europe ...	1 8 per impl. gal.	
	,, ,, Persian ...	0 12 ,,	
	,, ,, Country ...	0 6 ,,	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
	Provisions &c.,—continued.		
	All other sorts, except Biche de mer, Butter and Salted Fish, which are free ...	*Ad valorem.*	Seven and a half per cent.
40	*Railway Materials*—		
	Of Iron ...	*Ad valorem.*	One per cent.
	Steel Rails and other articles intended for the permanent way of railways ...	*Ad valorem.*	
	Other sorts ...	*Ad valorem.*	Seven and a half per cent.
41	*Rattans and Canes*—		
	Canes, Malacca ...	1 0 per doz.	
	Rattans ...	7 0 per cwt.	
	All other sorts ...	*Ad valorem.*	
42	*Salt*—		
	Imported from any place whether within or without British India,		Rs. A.
	(*a*) into British Burma ...	... ...	0 8 per md.
	(*b*) into the territories under the government of the Lieuteuent-Governor of Bengal ...	... ..	3 4 „
	(*c*) into any other part of British India ...	... ...	1 13 „
43	*Seeds*—		
	Anchuchuck ...	10 0 per cwt.	
	Anise, Europe ...	28 0 „	
	Assalia ...	7 0 „	
	Cajoo ...	3 0 „	
	Castor ...	4 8 „	
	Cummin ...	12 0 „	
	„ Black ...	5 0 „	
	Esubgool ...	5 0 „	
	Linseed ...	5 0 „	
	Methee ...	5 0 „	
	Mustard ...	4 8 „	
	Quince Seed or Bedana ...	50 0 „	
	Rape or Sursee ...	4 8 „	
	Sawjeerah ...	25 0 „	
	Tookmeria ...	7 0 „	
	All other sorts, excepting Seeds imported by any public Society for gratuitous distribution which are free ...	*Ad valorem.*	Seven and a half per cent.
44	*Shells*—		
	Chanks, "large shells," for Cameos ...	10 0 per 100.	
	„ White Live ...	6 0 „	
	„ „ Dead ..	3 0 „	
	Cowdas, Mozambique and Zanzibar	3 0 „	
	„ from other places ...	0 8 „	
	Cowries—		
	Bazar, Common ..	4 0 per cwt.	
	Maldive ...	16 0 „	
	Sunkley ..	40 0 „	
	Yellow, Superior Quality ...	8 0 „	
	Mother o' Pearl ...	8 0 „	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
	Shells—continued		
	Tortoise Shell ...	6 0 per lb.	
	„ Nuck ...	1 0 „	
	Nuckla and other sorts ...	*Ad valorem.*	
45	*Silk*—		
	Floss ...	8 0 per lb.	
	Raw, Charon and Cochin-China ..	4 0 „	Seven and half per cent.
	„ Mathow ...	1 12 „	
	„ Other kinds of China ...	7 0 „	
	„ Persian ...	5 0 „	
	„ Punjum and Cutchra ...	1 12 „	
	„ Siam ...	4 0 „	
	Sewing Thread, China ...	8 0 „	
	Other sorts ...	*Ad valorem.*	
	Silk Piece Goods of sorts ...	*Ad valorem.*	Five per cent.
46	*Soap*—	*Ad valorem.*	
47	*Spices*—		
	Aloe Wood ...	3 0 per lb.	
	Aniseed Star ...	40 0 per cwt.	
	Betelnut, White, Sheverdhun ...	18 0 „	
	„ all other kinds ...	4 0 „	
	„ in husk ...	2 0 per thousand.	
	Cassia Buds, Nagkessur, China ...	0 8 per lb.	
	Chillies, Dried ...	8 0 per cwt.	
	Cloves ...	12 0 „	
	„ in Seeds, Nurlavung ...	8 0 „	
	Mace ..	0 9 per lb.	
	„ false ...	10 0 per cwt.	
	Nutmegs ...	0 10 per lb.	Seven and a half per cent.
	„ in shell ...	0 6 „	
	„ Wild ...	12 0 per cwt.	
	Pepper, Black and Long ...	14 0 „	
	„ White ...	25 0 „	
	All other kinds ...	*Ad valorem.*	
48	*Stationery other than Paper*—	*Ad valorem.*	
49	*Sugar and Sugar-Candy*—		
	Sugar-Candy, China ...	20 0 per cwt.	
	„ Loaf ...	23 0 „	
	„ Soft ...	12 0 „	
	All other sorts of Saccharine Produce ...	*Ad valorem.*	
50	*Tea* ...	1 0 per lb.	
51	*Tobacco*—		
	Manufactured ...	*Ad valorem*	Ten per cent.
	Unmanufactured ...		
	Articles, such as Pipes, &c., used in consumption of ...	*Ad valorem.*	Seven and a half per cent.
52	*Toys and Requisites for all Games* ...	*Ad valorem.*	

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
53	*Umbrellas*—		
	Cotton, Steel Ribs ...	0 13 each.	Seven and a half per cent.
	„ Cane Ribs ...	0 11 „	
	„ China Paper Kettisals ...	45 0 per box of 110.	
	All other sorts ...	*Ad valorem.*	
54	*Woollen Goods*—		
	Piece Goods ...	*Ad valorem.*	Five per cent.
	Braid ...	*Ad valorem.*	Seven and a half per cent.
	Other sorts ...		

SCHEDULE B.

EXPORT TARIFF.

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
1	*Cotton Goods*—	Rs. A.	Three per cent.
	Piece Goods—		
	Baftahs ...	30 0 per score	
	Gurrah ...	20 0 „	
	Khurwah ...	25 0 „	
	Mahmoodie ...	32 0 „	
	Mirzapore Chints ...	15 0 „	
	Patna ...	30 0 „	
	Shans ...	40 0 „	
	Tunjeeb, Oudh ...	26 0 „	
	Other sorts ...	*Ad valorem.*	
	Twist, Country, No. 10 ...	0 7 per lb.	
	„ „ „ 20 ...	0 9 „	
	„ „ „ 30 ...	0 10 „	
	„ Hand Spun ...	0 5 „	
	All other kinds of Cotton Goods ...	*Ad valorem.*	
2	*Grain of all sorts* ...	.....	Three annas per maund.
3	*Hides and Skins, Tanned*—		Three per cent.
	Hides—		
	Buffaloe, Country, Tanned ...	70 0 per score	
	Cow „ ...	50 0 „	
	Skins—		
	Goat and Sheep ...	10 0 „	
	Lamb ...	5 0 „	
	Any other sorts of Hides and Skins	*Ad valorem.*	
4	*Indigo* ...	.....	Three rupees per maund.
5	*Lac*—		Four per cent.
	Button ...	28 0 per cwt.	
	Dye ...	45 0 „	
	Seed ...	20 0 „	
	Shell ...	28 0 „	
	Stick ...	16 0 „	
	Other shorts ...	*Ad valorem.*	

SCHEDULE B.

EXPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
6	*Oils*—		
	Castor ...	16 0 per cwt.	
	Cocoanut ...	20 0 „	
	Fish ...	15 0 „	
	Grass ...	2 0 per lb.	
	Gingeely or Teel ...	20 0 per cwt.	
	Linseed ...	18 0 „	Three per cent.
	Mhowa ...	12 0 „	
	Mustard ...	16 0 „	
	Poppy ...	20 0 „	
	Rape or Sursee ...	16 0 „	
	Sandalwood ...	8 0 per lb.	
	Other sorts ...	*Ad valorem.*	
7	*Seeds*—		
	Castor Seed (Erundee) ...	4 8 per cwt.	
	Coriander Seed ...	4 0 „	
	Cummin Seed ...	12 0 „	
	Cummin Seed Black (Caleejeera) ...	5 0 per cwt.	
	Ground Nuts, with shell ..	5 0 „	
	„ without shell ...	6 0 „	
	Jingeely or Teel Seed ...	6 0 „	
	Linseed ...	5 0 „	
	Methee Seed ...	5 0 „	
	Mustard Seed ...	4 8 „	
	Poppy Seed ...	5 8 „	
	Rape or Sursee Seed ...	4 8 „	
	Other sorts ...	*Ad valorem.*	Three per cent.
8	*Spices*—		
	Aloe Wood ...	3 0 per lb.	
	Betelnut in Husk ...	2 0 per 1,000.	
	Cardamoms ...	200 0 per cwt.	
	„ Large, Bastard ...	40 0 „	
	Chillies, Dried ...	8 0 „	
	Ginger, Dry (Rough) Malabar ...	10 0 „	
	„ „ „ Bengal ..	7 0 „	
	„ (Scraped) ...	15 0 „	
	Pepper ...	15 0 „	
	Turmeric ...	5 0 „	
	All other sorts ...	*Ad valorem.*	

SCHEDULE C.

(*See Section* 91.)

Number and Year.	Subject or Title.	Extent of Repeal.
Act XIV of 1836 ...	Bengal Customs ...	So much as has not been repealed.
„ VI of 1844 ...	Madras Customs	So much of Schedules A and B as has not been repealed.

SCHEDULE C.—*concluded.*

Number and year.	Subject or Title.	Extent of Repeal.
Act I of 1852 ...	An Act for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay.	So much as has not been repealed.
„ XXX of 1854 ...	An Act to provide for the levy of Duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Section three from the beginning down to and including the words "shall be free; provided that"
„ XXIX of 1857	Bombay Land Customs.	So much of section two as has not been repealed.
„ XXII of 1859...	An Act to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay).	So much as has not been repealed.
„ III of 1861 ...	An Act to provide for the collection of Duty of Customs on Pepper exported by Sea from the British Port of Cochin.	The whole.
„ II of 1868 ...	An Act to alter the rate of duty leviable on Pepper exported from Cochin	The whole.
„ XXIV of 1869	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.	In section two, the words "either by sea or"
„ XVII of 1870 ..	An Act to amend the Law relating to Customs Duties.	The whole.

ACT XIV OF 1871.

(*Received the assent of the Governor General on the* 31*st March* 1871.)

CONTENTS.

Preamble.

SECTION.

1. Amendment of Act VI of 1863, section 23.
2. Warrant to be given every time goods are warehoused. Form of warrant.
3. Goods found in boat in excess of boat-note or pass liable to confiscation.
4. Act to be read with Act VI of 1863.

AN ACT FOR THE FURTHER AMENDMENT OF THE CONSOLIDATED CUSTOMS ACT.

Preamble.

FOR the further amendment of the Consolidated Customs Act (No. VI of 1863); it is hereby enacted as follows:—

Amendment of Act VI of 1863, section 23.

I. Section twenty-three of the said Act shall be deemed to authorize and to have always authorized the Governor General in Council to prohibit or restrict the importation or exportation, by sea or by land, or both by sea and by land, of any particular class of goods.

Warrant to be given every time goods are warehoused.

II. As often as any goods are lodged in a Public Warehouse or a licensed private Warehouse, the warehouse-keeper, or, in the case of the Bengal Bonded Warehouse Association, the Secretary of the said Association shall deliver a warrant signed by him as such to the person lodging the goods. Such warrant shall be in the form in the Schedule to this Act annexed, and shall be transferable by endorsement; and the endorsee shall be entitled to receive the goods specified in such warrant on the same terms

Form of warrant.

as those on which the person who originally lodged the goods would have been entitled to receive the same.

Goods found in boat in excess of boat-note or pass liable to confiscation.

III. All goods found on board any boat in excess of the boat-note or Custom-house pass, whether such goods are intended to be landed or to be shipped on board any vessel, shall be liable to confiscation.

Act to be read with Act VI of 1863.

IV. This Act shall be read with and taken as part of the Consolidated Customs Act.

SCHEDULE.

FORM OF BONDED WAREHOUSE WARRANT.

(*Referred to in Section 2*)

I do hereby certify that——————have deposited in the Warehouse of——————the undermentioned goods——————which goods the——————engage on demand, after payment of rent and incidental charges and Government Dues or Customs chargeable thereon, to deliver to the said—————— or their assigns, or to the holder of this warrant to whom it may be transferred by endorsement.

ACT XV OF 1871.

THIS ACT APPLIES TO BOMBAY ONLY.

ACT XVI OF 1871.

RECEIVED THE ASSENT OF THE GOVERNOR GENERAL ON THE 31ST MARCH 1871.

THE BURMESE STEAMER SURVEY ACT.

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AN ACT FOR THE SURVEY OF STEAM VESSELS PLYING WITHIN BRITISH BURMA.

WHEREAS it is expedient to provide for the survey of Steam Vessels plying within British Burma; it is hereby enacted as follows:— Preamble.

I.—PRELIMINARY.

I. This Act may be called "The Burmese Steamer Survey Act;" it extends only to the territories under the administration of the Chief Commissioner of British Burma; and it shall come into force at the expiration of one month from the passing thereof. Short title. Local extent. Commencement.

II. In this Act, "Chief Commissioner" means the Chief Commissioner of British Burma, and "Surveyor" includes any Surveyor acting alone when authorized by the Chief Commissioner under the provisions of this Act. Interpretation-clause.

II.—SURVEY OF STEAMERS.

III. Every Steam Vessel plying on any of the rivers or waters of British Burma, except Steam Vessels plying between some port within the said Provinces and some port not in British India, shall be liable to be surveyed twice in every year, in the manner hereinafter prescribed. Certain Steam Vessels liable to be surveyed twice a year.

IV. The Chief Commissioner may appoint for the purpose of this Act any ports in British Burma to be ports of survey, and fit and proper persons to be Surveyors. Government to appoint Surveyors.

V. The said Surveyors, in the execution of their duties, may go on board any Steam Vessel liable to be surveyed under this Act, as soon as reasonably may be after the arrival of such Steam Vessel in the port of Rangoon or any other port of survey, and not so as unnecessarily to hinder the loading or unloading of such Steam Vessel, or to detain or delay her from proceeding on any voyage or service, and may inspect such Steam Vessel or any part thereof, and any of the machinery, equipments, or articles on board thereof. The Owner, Master and Officers serving on board such vessel shall be bound to afford to the Surveyors all reasonable facilities for such inspection or survey, and to afford them all such information respecting such vessel and her machinery and equipments, or any part thereof respectively, as they may reasonably require. Authority to Surveyors to go on board for purpose of surveying.

VI. When any survey is made under this Act, the Surveyors making such survey shall forthwith, if satisfied that they can with propriety do so, and on payment by the Owner or Master of the ship surveyed of the fees hereinafter mentiond, give him a certificate and declaration signed by them and framed as nearly as the circumstances of each case will admit in the form set forth in Schedule A hereto annexed. Surveyors when to grant Certificate and Declaration.

No clearance to be given to a steamer for a voyage for which she has not got a certificate.

VII. No Officer of Customs shall grant a clearance nor shall any Pilot be assigned to any Steam Vessel liable to be surveyed under this Act, which has not been duly furnished with a certificate and declaration under the provisions of this Act applicable to the voyage on which she is about to proceed, or the service on which she is about to be employed. If any Steam Vessel liable to be surveyed under this Act leaves or attempts to leave any port of survey without such certificate and declaration, any Officer of Customs or any Pilot on board such Vessel may detain her until she is duly furnished with such certificate and declaration.

Special survey may be ordered by Government on any British Steamer.

VIII. The Chief Commissioner may give special direction to the Surveyors under this Act for the survey by them of any British Steamer lying in any port of survey and plying between such port and any other port or ports, and the provisions of this Act shall apply (so far as the same are applicable) to every vessel so specially directed to be surveyed, and the Owner, Master and Officers thereof.

Rules as to mode and time of conducting survey.

IX. The Chief Commissioner may frame rules consistent with this Act as to, (*a*), the manner in which the surveys shall be made, (*b*), the times and places of such surveys, and (*c*), the duties of the Surveyors.

Fees to be paid for every survey made.

X. For every survey made under this Act, the Owner or Master of the Steam Vessel surveyed shall pay to each of the Surveyors making the same a fee, calculated on the tonnage of the vessel according to the rates in Schedule B hereto annexed.

Certificate to be hung up in conspicuous part of vessel.

XI. Each certificate and declaration granted by Surveyors under this Act shall be hung up, and remain at all times suspended in some conspicuous part of the vessel for which the same is granted, where the same may be easily read.

Certificates to be in force only six months.

XII. No certificate or declaration shall be in force for the purposes of this Act after the expiration of six months from the date thereof: provided that if any Steam Vessel is not in any port of survey when her certificate and declaration expire, no penalty shall be incurred for the want of a certificate and declaration, until she first begins to ply, or is about to ply after her next subsequent arrival at some port of survey.

Provision for vessels absent when certificate expires.

Power to require delivery of expired certificates.

The Chief Commissioner may require any certificate and declaration which has expired or has been revoked or cancelled to be delivered up as may be directed.

Power to cancel certificate and declaration.

XIII. The Chief Commissioner may revoke and cancel any certificate and declaration granted under this Act in any case in which he has reason to believe, (1), that the certificate and declaration of the sufficiency and good condition of the hull, equipments, and machinery of any Steam Vessel, or either of them, have been fraudulently or erroneously given or made; or, (2), that such certificate and declaration have otherwise been issued upon false or erroneous information; or, (3), that since the giving and making of such certificate and declaration, the hull, equipments, or machinery of such vessel have sustained any injury or are otherwise insufficient. And in every such case the Chief Commissioner may, if he thinks fit, require the Owner or Master to have such Steam Vessel again surveyed as herein provided.

Power to order a second survey.

XIV. If any Steam Vessel is surveyed under the provisions of this Act, and if the Surveyors decline to give any certificate or declaration, or give a certificate or declaration with which the Owner or Master of the Steam Vessel is dissatisfied, the Chief Commissioner may, on the application of such Owner or Master, appoint two other competent Surveyors to survey the said Steam Vessel. The Surveyors so appointed shall forthwith survey the said Steam Vessel, and shall either decline to give any certificate and declaration, or shall give such certificate and declaration as under the circumstances may seem to them proper. Every survey made under this section shall be made subject to all the provisions and rules,

both as to the payment of fees and otherwise, which are applicable to surveys made in ordinary cases under this Act. If the Surveyors appointed under this section unanimously refuse to give any certificate and declaration, or agree as to the terms of their certificate and declaration, such refusal, or such certificate and declaration shall be final and conclusive; but if they do not agree, the refusal originally made, or the certificate and declaration originally granted by the Surveyors who surveyed the said Steam Vessel in the first instance, shall remain in force.

Explosions.

Power to investigate causes of explosions.

XV. Whenever any explosion occurs on board of any Steam Vessel subject to this Act, the Chief Commissioner may, if he thinks fit, direct that an investigation of the cause of such explosion be made by such person or persons as he thinks fit. Such person or persons may enter into and upon such Steam Vessel with all necessary workmen and labourers, and remove any portion of such Steam Vessel, or of the machinery thereof, for the purpose of such investigation, and shall report the cause of such explosion.

III.—EXAMINATIONS AND CERTIFICATES OF ENGINEERS.

Examinations to be instituted for Engineers.

XVI. Examinations shall be instituted for persons who intend to become Engineers of Steamers, or who wish to procure certificates of competency hereinafter mentioned.

Examiners and rules of examination

XVII. The Chief Commissioner shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination, and may make rules for the conduct of such examinations, and as to the qualifications to be required, and the fees to be paid by all applicants for examination.

Certificate competency.

XVIII. The Chief Commissioner shall deliver to every applicant who is reported by the Examiners to have passed the examination satisfactorily, a certificate (hereinafter call a "certificate of competency") to the effect that he is competent to act as Engineer.

Certificate of service.

XIX. Every person who, before the passing of this Act, has served for a period of not less than one year as first or only Engineer in any Steam Vessel, or who has attained or shall attain the rank of First Class Assistant Engineer in the Service of Her Majesty, shall be entitled to a certificate of service. Each of such certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered. And the Chief Commissioner shall deliver such certificates of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank, or to have served as aforesaid; and, upon their giving a full and satisfactory account of the particulars aforesaid and on payment of such fees as the Chief Commissioner shall, by an order published in the local official Gazette, from time to time direct.

No Certificate of Survey if vessels have not a Certificated Engineer.

XX. No Certificate of Survey under this Act, shall be granted for any Steam Vessel, unless it has as its Engineer an Engineer possessing a certificate of competency or a certificate of service.

Power to exempt private Steam Vessels.

XXI. The Chief Commissioner may exempt from the operation of section twenty any Steamer which does not ply with passengers or goods, or as a Steam Tug for hire.

Withdrawal of Certificate.

XXII. It shall be lawful for the Chief Commissioner, in case of the misconduct, negligence or incompetency of any Engineer possessing a certificate of competency or a certificate of service, to cancel such certificate, or to suspend the same for such time as to him or them seems fit.

English Certificates to be available.

XXIII. Every Engineer's certificate of competency or service, which may be granted by any competent authority in the United Kingdom, shall have, in all respects, the same validity and effect as if the same had been granted under the provisions of this Act.

Certificates to be made in duplicate.

XXIV. All Certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as the Chief Commissioner directs. A note of all orders made for cancelling, suspending, altering, or otherwise affecting any certificate in pursuance of the powers herein contained, shall be entered in the record of certificates.

Copy of Certificate to be delivered.

XXV. Whenever any Engineer proves to the satisfaction of the Chief Commissioner, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate to which, by the record so kept as aforesaid, he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

IV.—Penalties.

Hindering survey or withholding required information.

XXVI. Any person refusing access to any Surveyors or other persons under this Act, or otherwise hindering them in the performance of their duty, or refusing or neglecting to give any information which may reasonably be required of him, and which he has in his power to give, shall be liable for each offence to fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding one month.

Leaving port without Certificate and Declaration.

XXVII. If any Steam Vessel liable to be surveyed under this Act leaves or attempts to leave any port of survey without such certificate and declaration as is mentioned in section seven, the Owner or Master of such Vessel shall, for each offence, be punished with fine not exceeding one thousand rupees.

Master or Officer who is a licensed Pilot attempting to take ship out of port without Certificate.

XXVIII. If the Commander or any other Officer of a Tug Steamer or of any other Steam Vessel, liable to be surveyed under this Act, is a licensed Pilot and leaves or attempts to leave any port of survey in such Tug Steamer or Steam Vessel without such Tug Steamer or Steam Vessel being duly furnished with a certificate and declaration under the provisions of this Act, applicable to the voyage on which she is about to proceed, or the service on which she is about to be employed, such Commander or other Officer shall be liable to have his license as a Pilot taken away from him entirely, or suspended for any period by the Chief Commissioner, as the Chief Commissioner may see fit to order.

Receiving unlawful fees for making a survey.

XXIX. Any Surveyor demanding or receiving directly or indirectly from the Owner, Master, or Officer of any ship surveyed by him under the provisions of this Act, any fee or remuneration otherwise than as provided by this Act, shall be liable to dismissal, in addition to any other penalty to which he may by law be liable.

Neglect to hang up Certificate and Declaration.

XXX. The Owner or Master of every Steam Vessel in which the certificate and declaration granted under this Act is not hung up and does not remain in manner provided by section eleven, shall, for each offence, be punished with fine not exceeding one hundred rupees.

Refusal to comply with requirements of section 12.

XXXI. Any Owner or Master or other person who, without reasonable cause, neglects or refuses to comply with any requirement made under section twelve shall be punished with fine not exceeding one hundred rupees for each offence.

Plying without Certificated Engineer.

XXXII. The Owner, and also the Master, of any Steam Vessel subject to this Act, which plies on any of the rivers or waters in British Burma, without having in charge of the engines thereof an Engineer possessing a certificate of service or a certificate of competency, shall be liable to a fine not exceeding five hundred rupees.

Offences under this Act by whom to be tried.

XXXIII. Any case arising out of this Act may be tried by any Officer having the full powers of a Magistrate within whose jurisdiction the offence may have been committed, or by any Police Magistrate of the town of Rangoon.

The provisions of section fifty-five of Act XXII of 1855 (*For the regulation of ports and port dues*) are hereby extended to all fines impose under

this Act, and all fees due under section ten shall be recoverable as if they were fines.

SCHEDULE A.

(*Referred to in Section* 6.)

FORM OF SURVEYOR'S CERTIFICATE AND DECLARATION.

Name of Steam Vessel.	Tonnage.	When and where built and material.	Power.	Description of Engines and age.	Description of Boilers and age.	Ground tackle.	Condition of Hull.	General Equipment.	Name of Master and Number of Officers and deck crew and of Engineers and Engine-room crew.	When and where last coppered, repaired or cleaned.	Limits (if any) beyond which the vessel is not fit to ply.	Time if less than six months for which the Hull, Boilers, Engines, or any of the Equipments will be sufficient.

We, the undersigned, declare that we have examined the above named Steamer, and to the best of our judgment she and her engines, as shown in the above Statement, are fully sufficient for the service on which it is intended to employ the said Steamer, that is to say (*as the case may be*).

A. B.
C. D.

SCHEDULE B.

(*Referred to in Section* 10.)

RATES OF FEES.

For Steamers of less than				200	tons	Rs.	20	0 0
,,	,,	200	tons and up to	350	,,	,,	25	0 0
,,	,,	350	,, ,, ,,	700	,,	,,	30	0 0
,,	,,	700	,, ,, ,,	1,000	,,	,,	40	0 0
,,	,,	1,000	,, ,, ,,	1,500	,,	,,	50	0 0
,,	,,	1,500	,, and upwards			,,	60	0 0

ACT XVII OF 1871.

(*Received the assent of the Governor General on the* 31*st March* 1871.)

CONNENTS.

Preamble.

SECTION.

1. Short title. Local extent. Commencement.
2. Interpretation-clause. 'Land-holder.' 'Estate.' 'Annual value.'

3. Rates assessable.
4. Recovery of rates.
5. Power to recover share of rate from co-sharers or pattidárs.
6. Power to recover share of rate from under proprietor, permanent lessee o occupancy tenant.
7. Jurisdiction over suits as to rates.
8. Appeal to Commissioner.
9. General fund.
10. Assignments for local purposes.
11. Unexpended portion of assignment.
12. Accounts of receipts.
13. Appointment of Committees.
13. Power to make supplementary rules.

An Act to provide for the levy of rates on land in Oudh.

Preamble.

Whereas it is expedient to provide for the levy of rates on land in Oudh to be applied to local purposes; it is hereby enacted as follows:—

Short title. Local extent. Commencement.

I. This Act may be cited as 'The Oudh Local Rates Act;' it extends only to the territories under the administration of the Chief Commissioner of Oudh; and it shall come into force on the first day of April, 1871.

Interpretation-clause. 'Land-holder.' 'Estate.' 'Annual value.'

II. In this Act, 'Land' means land assessed to the land-revenue, and includes land whereof the land-revenue has been wholly or in part released, compounded for, redeemed, or assigned: 'land-holder' means the person in receipt of the rent of any land, and responsible for the payment of the land-revenue, if any, assessed on the estate. It also includes a muáfídár or other person holding land, the land-revenue of which has been wholly or in part released, compounded for, redeemed, or assigned; 'Estate' means all or any part of a village separately assessed to the land-revenue, or separately exempted from payment thereof; and 'Annual value' means (1) where the settlement of the land-revenue is liable to periodical revision,—double the amount of the land-revenue assessed on an estate; (2) where such settlement is not liable to periodical revision, or where the land-revenue or a portion thereof has been released, compounded for, redeemed or assigned,—double the amount which, if the settlement were liable to periodical revision, would, but for such non-liability, release, composition, redemption or assignment, have been assessed as land-revenue on the estate.

Rates assessable.

III. The Chief Commissioner may impose on every estate a rate not exceeding one and a quarter per cent. on its annual value. Such rates shall be payable annually by the landholder, independently of, and in addition to, any land-revenue for the time being assessed on the estate and any local cesses now leviable therefrom.

Recovery of rates.

IV. All sums due on account of any rate imposed under this Act, shall be recoverable as if they were arrears of land-revenue due in respect of the land on account of which the rate is payable.

Power to recover share of rate from co-sharers of pattidárs.

V. Every landholder may recover from his co-sharers or pattidárs, if any, a share of the rate bearing the same proportion to the whole rate that the annual value of the share of such co-sharers or pattidár, recorded at the time of the settlement, bears to the annual value of the whole estate.

Power to recover share of rate from under-proprietor, permanent lessee or occupancy tenant.

VI. Whenever the rate is charged on a landholder on account of land in the use or occupation of an under-proprietor or permanent lessee, or of a tenant with right of occupancy, whose rent has been fixed or recorded by a competent Court, such landholder may realize from such under-proprietor, lessee or tenant, a share of the rate bearing the same proportion to the whole rate that the share of such under-proprietor, lessee or tenant in the annual value of the land on which the rate is charged, bears to half the annual value of such land.

Jurisdiction over suits as to rates.

VII. Suits for the recovery from co sharers, under-proprietors, permanent lessees or tenants as aforesaid of any sum on account of any rate imposed under this Act, and all suits on account of illegal exaction of such rate, or for the settlement of accounts, shall be cognizable by the Courts of Revenue in Oudh, and the provisions of the Oudh Rent Act (No. XIX of 1868), Chapters VII, VIII and IX, as to similar classes of sui s, shall apply to the suits mentioned in the former part of this section.

Appeal to Commissioner.

VIII. An appeal shall lie to the Commissioner from the order of any person authorized, under the power hereinafter conferred, to make assessments, in any matter connected with the assessment of any sum leviable under this Act: provided that such appeal be presented within thirty days from the date of the order. The decision of the Commissioner on such appeal shall be final; but all such decisions may be reviewed by the Chief Commissioner.

General fund.

IX. The proceeds of all rates levied under this Act shall be carried to the credit of a general Provincial Fund.

Assignments for local purposes.

X. The Chief Commissioner shall, from time to time, assign from such fund an amount to be applied in each district for expenditure on all or any of the following purposes:—(1), the construction, repair, and maintenance of roads and communications; (2), the construction and repair of schoolhouses, the maintenance and inspection of schools, the establishment of scholarships, and the training of teachers; (3), the construction and repair of hospitals, dispensaries, lunatic asylums, markets, wells, and tanks, the payment of all charges connected with the purposes for which such buildings or works have been constructed, and any other local works and undertakings of public utility likely to promote the public health, comfort or convenience. Such assignment shall not be less than the total sum assessed under this Act in such district in the year in which the assignment was made.

Unexpended portion of assignment.

XI. Any portion of such assignment remaining unexpended at the end of the financial year in which the assignment was made may, at the discretion of the Chief Commissioner, be re-assigned for expenditure in the same district, or may be applied for the benefit of the Province of Oudh in such manner as the Chief Commissioner from time to time directs.

Accounts of receipts.

XII. Accounts of the receipts in respect of all rates levied under this Act, and of the receipts and expenditure of the assignment made under section ten, shall be kept in each district. Such accounts shall, at all reasonable times, be open to the inspection of the local Committee hereinafter mentioned. An abstract of such accounts shall be prepared annually in English and in the vernacular language of the district, and shall be open, at all reasonable times, to public inspection at suitable places within the district without the payment of any fee. An abstract of such accounts shall also be published annually in the local official Gazette.

Appointment of Committees.

XIII. The Chief Commissioner shall appoint, in each district, a Committee, consisting of not less than six persons, for the purpose of assisting in determining how the amount mentioned in section ten shall be applied, and in the supervision and control of the expenditure of such amount: provided that not less than one-half of the members of such Committee shall be persons not in the service of Government, and owning or occupying land in the district, or residing therein. The Chief Commissioner shall, from time to time, prescribe the manner in which the members of such Committee shall be appointed or removed, and shall define the functions and authority of such Committee.

Power to make supplementary rules.

XIV. The Chief Commissioner may, by notification, from time to time, (*a*), prescribe by what instalments and at what times any rate imposed under this Act shall be payable, and by whom it shall be assessed, collected and paid; (*b*), make rules consistent with this Act for the guidance of officers in matters connected with its enforcement; and (*c*), exempt any portion of the territories under his administration from the operation of this Act.

Every notification under this section shall be published in the local official Gazette.

ACT XVIII OF 1871.

(Received the assent of the Governor General on the 6th April 1871).

CONTENTS.

Preamble.

SECTION.

1. Short title. Extent of Act.
2. Interpretation-clause.
3. Rate on estates where the settlement has expired.
4. Rate on estates where revenue is not periodically revised.
5. Rate to be paid by landlord.
6. Lieutenant Governor to prescribe rules for ascertaining area of assessable land.
7. Landlord's right to recover half rate from tenants.
8. Power to make rules as to when a landlord may recover rates from tenants holding at fixed or beneficial rates.
9. Rates to be carried to general fund.
10. Assignments from general fund.
11. Works benefiting several districts.
12. Unexpended portion of assignment.
13. Accounts to be kept.
14. Local Committees.
15. Suits under Act cognizable by Collector.
16. Limitation of Appeals.
17. Power to invest subordinate officers with powers of Collector.
18. Recovery of rates.
19. Supplementary powers of local Government.

AN ACT FOR THE LEVY OF RATES ON LAND IN THE NORTH-WESTERN PROVINCES.

Preamble.

WHEREAS it is expedient to provide, in the North-Western Provinces of the Presidency of Fort William, for the levy on land of rates to be applied to local purposes; it is hereby enacted as follows:—

I.—PRELIMINARY.

Short title. Extent of Act.

I. This Act may be called "The North-Western Provinces Local Rates Act, 1871," it extends only to the territories subject to the Lieutenant Governor of the North-Western Provinces; and it shall come into force on the passing thereof.

Interpretation-clause.

II. In this Act, "Commissioner" means Commissioner of a division; "Collector" means the Head Revenue Officer of a district; "Land" means land used for agricultural purposes, or waste land which is cultivable; "Tenant" means any person using or occupying land, and liable to pay or deliver rent therefor; "Landlord" means the person responsible for the payment

of the Government land-revenue, if any, assessed on an estate, and includes a mukáddam, nazimádár or other person holding land, whereof the revenue has either wholly or in part, been released, compounded for, redeemed or assigned; "Estate" means all or any part of a village separately assessed to the land-revenue, or separately exempt from the payment thereof.

II.—Rates on Land in Districts of which the Settlement is liable to Revision.

Rate on estates where the settlement has expired.

III. Every estate situate in any district in which the term of the settlement of the land-revenue made under Regulation IX of 1833 has expired, shall be liable to the payment of such rate, not exceeding five per cent. on its annual value, as the Lieutenant Governor from time to time imposes. Such rate shall be paid by the landlord independently of and in addition to any land-revenue assessed on the estate: provided that, in estates in which, before the passing of this Act, provisional engagements have been taken from the landlord for the payment of the land-revenue and cesses in one consolidated sum, and in which it appears to the Lieutenant Governor inexpedient to cancel such engagements, one-eleventh part of such sum shall be deducted on account of such cesses, and shall be treated in all respects as if it were a portion of a rate levied under the former part of this section.

"Annual value" means as follows:—(1), in cases in which the settlement of the land-revenue is liable to periodical revision, it means double the amount of the land-revenue for the time being assessed on an estate; (2), in cases in which such settlement is not liable to such revision, or in which the land-revenue has been, wholly or in part, released, compounded for, redeemed or assigned, it means double the amount which, if the settlement were liable to such revision, would be assessable as land-revenue on the estate.

III.—Rates on Land in Estates of which the Land-revenue is not liable to periodical Revision.

Rate on estates where revenue is not periodically revised.

IV. Every estate situated in a district of which the land-revenue is not liable to periodical revision shall be liable to the payment of such rate as the Lieutenant Governor from time to time imposes, not exceeding two annas for each acre under cultivation, within the three years next before the assesssment of the rate.

Rate to be paid by landlord.

V. The rate shall be paid by the landlord independently of, and in addition to, any land-revenue assessed on the estate, and in addition to the cess levied now on account of roads.

Lieutenant Governor to prescribe rules for ascertaining area of assessable land.

VI. The Lieutenant Governor shall from time to time prescribe rules for ascertaining the area of the land assessable under section four.

Landlord's right to recover half rate from tenants.

VII. The landlord may recover, from every tenant of land on which such rate has been assessed, and for the payment of which the landlord is liable, an amount equal to one-half of the rate assessed on the land held by such tenant.

Power to make rules as to when a landlord may recover rates from tenants holding at fixed or beneficial rates.

VIII. The Lieutenant Governor may from time to time make rules consistent with this Act for determining the cases in which a landlord shall be entitled to recover, from tenants holding at fixed or beneficial rates of rent, the whole or any portion of the rate assessed on the land held by such tenants.

IV.—Manner in which the Rates are to be expended.

Rates to be carried to general fund.

IX. The proceeds of all rates levied under this Act shall be carried to the credit of a General Provincial Fund.

Assignments from general fund.

X. The Lieutenant Governor shall from time to time assign from such fund an amount to be applied in each district for expenditure on all or any of the following purposes:—(1) the construction, repair and maintenance of roads and communications; (2) the maintenance of the rural police and district post; (3) the construction and repair of schoolhouses, the maintenance and inspection of schools, the training of teachers, and the establishment of scholarships; (4) the construction and repair of hospitals, dispensaries, lunatic asylums, markets, wells and tanks; the payment of all charges connected with the purposes for which such buildings or works have been constructed, and any other local works likely to promote the public health, comfort or convenience. Such assignment shall not be less than the total sum levied under this Act in such district in the year in which the assignment was made.

Works benefiting several districts.

XI. In the case of works which benefit more districts than one, the Local Government may determine what proportion of the expense of the work shall be borne by each of the districts benefited thereby, and such porportion shall be payable out of the assignments made as aforesaid to such districts respectively.

Unexpended portion of assignment.

XII. Any portion of such assignment remaining unexpended at the end of the financial year in which the assignment was made may, at the discretion of the Lieutenant Governor, be re-assigned for expenditure in the same district, or may be applied for the benefit of the North-Western Provinces, in such manner as the Lieutenant Governor from time to time directs.

Accounts to be kept.

XIII. Accounts of the receipts in respect of all rates levied under this Act, and of the receipts and expenditure of such assignment, shall be kept in each district. Such accounts shall, at all reasonable times, be open to the inspection of the Local Committee hereinafter mentioned. An abstract of such accounts shall be prepared annually in English and in the vernacular language of the district, and shall be open, at all reasonable times, to public inspection at suitable places within the district without the payment of any fee. An abstract of such accounts shall also be published annually in the local official Gazette.

Local Committees

XIV. The Local Government shall appoint, in each district, a Committee, consisting of not less than six persons, for the purpose of determining how the amount mentioned in section ten shall be applied, and in the supervision and control of such amount: provided that not less than one-half of the members of such Committee shall be persons not in the service of Government, and owning or occupying land in the district, or residing therein. The Lieutenant Governor shall, from time to time, prescribe the manner in which the members of such Committee shall be appointed or removed, and shall define the functions and authority of such Committee.

V.—Miscellaneous.

Suits under Act cognizable by Collector.

XV. Suits for the recovery from co-sharers, tenants or others of any sum on account of any rate imposed under this Act, and all suits on account of illegal exaction of such rate, or for the settlement of accounts, shall be cognizable by the Collector as if such suits had been included among the suits mentioned in section twenty-three of Act No. X of 1859

and in section one of Act No. XIV of 1863, and appeals from decisions in such suits shall be cognizable in accordance with the provisions of Act No. X of 1859 and Act No. XIV of 1863.

Limitation of appeals

XVI. In matters connected with the assessment and collection of any sum leviable under this Act, an appeal shall lie to the Commissioner from the order of the Collector, provided that such appeal be presented within thirty days from the date of the order. The Commissioner's decision on such appeal shall be final; but all such decisions may be reviewed by the Board of Revenue.

Power to invest subordinate officers with powers of Collector.

XVII. The Lieutenant Governor may invest any officer subordinate to a Collector with all or any of the powers of a Collector for the purposes of this Act. The orders passed by any officer so invested shall be subject to revision by the Collector of the district.

Recovery of rates.

XVIII. All sums due on account of any rate imposed under this Act shall be recoverable as if they were arrears of land-revenue due on the land on account of which the rate is payable.

Supplementary powers of Local Government.

XIX. The Lieutenant Governor may, by notification from time to time, (*a*) prescribe by what instalments and at what times such rate shall be payable, and by whom it shall be assessed, collected and paid; (*b*) make rules consistent with this Act for the guidance of officers in matters connected with its enforcement; (*c*) exempt any portion of the territories under his government from the operation of this Act, or exempt any estate from liability to pay the whole or any part of any rate under this Act; (*d*) direct fresh measurements and vary the assessment accordingly.

Every notification under this section shall be published in the *Government Gazette, North-Western Provinces.*

ACT XIX OF 1871.

(*Received the assent of the Governor General on the* 12*th May* 1871.)

CONTENTS.

Preamble.

SECTION.

1. Short title. Extent and commencement of Act.
2. Local Governments may appoint Sessions Judges and Additional Sessions Judges.
3. Present Sessions Judges and Additional Sessions Judges to be deemed appointed under this Act.
4. Existing local jurisdiction preserved.
5. Powers of Sessions Judges and Additional Sessions Judges so appointed.
6. Local Government to appoint places for the trial of cases.
7. Indemnity-clause.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF SESSIONS JUDGES IN BENGAL AND THE NORTH-WESTERN PROVINCES.

Preamble.

WHEREAS it is expedient to provide for the appointment of Sessions Judges in the territories respectively under the Governments of the Lieutenant Governors of the Lower and North-Western Provinces of the Presidency of Fort William in Bengal; it is hereby enacted as follows:—

Short title. Extent and commencement of Act.

I. This Act may be called "The Bengal Sessions Courts Act, 1871:" it extends to the territories for the time being subject to the said Lieutenant Governors, respectively, and shall come into force on the passing thereof.

Local Governments may appoint Sessions Judges and Additional Sessions Judges.

II. The Local Governments may appoint Sessions Judges and Additional Sessions Judges, and may invest any persons with all or any of the powers of Sessions Judges under this Act, and shall define, and may from time to time vary, in each case, the local limits within which such Sessions Judges, Additional Sessions Judges, or persons so invested shall exercise jurisdiction.

Present Sessions Judges and Additional Sessions Judges to be deemed appointed under this Act.

III. All persons who have been heretofore appointed Sessions Judges or Additional Sessions Judges, or who, under the authority of the Local Government, have exercised the powers of Sessions Judges in the said territories, shall be deemed to have been appointed or empowered under, and in conformity to, the provisions of this Act.

Existing local jurisdiction preserved.

IV. The local limits of the jurisdiction of the said persons shall be the same as those within which they now exercise jurisdiction, and they shall continue to hold their Courts at the place or places in which they are now held, unless and until the Local Government shall otherwise direct.

Powers of Sessions Judges and Additional Sessions Judges so appointed.

V. The Sessions Judges, Additional Sessions Judges or other persons appointed or invested as aforesaid shall be Courts of Session, and shall exercise any powers other than those of a Court of Session which are at present exercised by Sessions Judges in the said territories respectively.

Local Government to appoint places for the trial of cases.

VI. Every officer appointed or invested as aforesaid shall hold his Court at such place or places as the Local Government directs either generally or in any particular instance; and the Local Government may specify the place or places at which offences committed within any particular portion of the Local Jurisdiction of any such officer and triable by a Court of Session shall be tried; and may from time to time empower and direct any such officer to try any such offences which have been committed beyond the local limits of such officer's ordinary jurisdiction.

Indemnity-clause.

VII. No judgment heretofore given, order passed, or proceeding had before any person who at any time has been appointed a Sessions Judge or Additional Sessions Judge or who has been empowered to act as such in Bengal, or the North-Western Provinces, shall be deemed to be or to have been invalid, and no suit shall lie in any Court in respect of any such judgment, order or proceeding, merely on the ground that such Sessions Judge or Additional Sessions Judge or person empowered to act as such was not appointed or empowered in conformity to law.

ACT XX OF 1871.

(*Received the assent of the Governor General on the 20th June* 1871.)

CONTENTS.

Preamble.

SECTION.

1. Short title. Local extent. Commencement.
2. Interpretation-clause. 'Land.' 'Landholder.' 'Annual value.'

SECTIONS.

3. Rate assessable.
4. Power to recover a share of rate from tenant.
5. Rates to be carried to general fund.
6. Assignments for local purposes.
7. Works benefiting several districts.
8. Unexpended portion of assignment.
9. Accounts to be kept.
10. Local Committees.
11. Suits under Act, cognizable by courts having cognizance of suits for rent.
12. Limitation of appeals.
13. Recovery of rates.
14. Supplementary powers of Local Government.

AN ACT TO PROVIDE FOR THE LEVY OF RATES ON LAND IN THE PANJAB.

WHEREAS it is expedient to provide for the levy of rates on land in the Panjáb to be applied to local purposes; it is hereby enacted as follows:— Preamble.

I. This Act may be called "The Panjáb Local Rates Act 1871;" it extends only to the territories for the time being under the Government of the Lieutenant Governor of the Panjáb, inclusive of any territory that may, from time to time, be removed, under the provisions of the Agror Valley Act, 1870, from the jurisdiction of the tribunals established under the General Regulations and Acts; and it shall come into force on the passing thereof. Short title. Local extent. Commencement.

II. In this Act, 'Land' means land assessed to the land-revenue, and includes land whereof the land-revenue has been, wholly or in part, released, compounded for, redeemed or assigned; 'Landholder' means any person responsible for the payment of the land-revenue, if any, assessed on land. It also includes a person holding land, the land-revenue of which has been, wholly or in part, released, compounded for, redeemed or assigned; 'Annual value' means (1), double the land-revenue for the time being assessed on any land, whether such assessment be leviable or not; (2), and, 'where the land-revenue has been permanently assessed, or has been, wholly or in part, compounded for or redeemed, double the amount which, but for such permanent assessment, composition or redemption, would have been leviable. Interpretation-Clause. 'Land-holder.' 'Annual value.'

III. All land shall be liable to the payment of such rate as the Lieutenant Governor from time to time directs, not exceeding six pies for every rupee of its annual value. Such rate shall be computed as from the first day of April, 1871, and shall be paid by the land holder independently of, and in addition to, any land-revenue assessed on land for the land revenue of which he is responsible, and any local cesses now leviable therefrom. Provided that wherever the proprietors of any land pay the land revenue in kind to any assignee of revenue or any village headman, such assignee of revenue or village headman shall be responsible for the payment of the said rate, instead of the proprietors, and no demand shall be made by any such assignee or village headman on any such proprietor in respect of the payment of any such rate. Rate assessable.

IV. Whenever a rate is charged on a landholder in respect of lands held by a tenant with a right of occupancy holding at a favourable rent, such landholder may realize from such tenant a share of the said rate, bearing Power to recover a share of rate from tenant.

the same proportion to the whole rate as the excess of the annual value over the rent paid by such tenant bears to half the annual value.

Illustration.—A is a landholder of an estate of which the land-revenue is Rs. 50. The annual value therefore is Rs. 100, and the maximum rate would be Rs. 3, annas 2. The estate is held by a tenant with right of occupancy at Rs. 75 rental.

Supposing the maximum rate to be levied, A will be entitled to recover from the tenant Re. 1-9, or half the rate, thus—

As half the annual value.		Excess of the annual value over the tenant's rent,		The whole rate		The portion which the landlord can recover from tenant.
is to		so is		to		
i. e.,		*i. e.*,		*viz.*, Rs. As.		*i. e.*, Re. As.
50	:	25	: :	3 2	:	1 9

Rates to be carried to general fund.

V. The proceeds of all rates levied under this Act shall be carried to the credit of the Local Government.

Assignments for local purposes.

VI. The Lieutenant Governor shall from time to time assign from the funds at his disposal an amount to be applied in each district for expenditure on all or any of the following purposes:—(1), the construction, repair and maintenance of roads and communications; (2), the construction and repair of school-houses, the maintenance and inspection of schools, the training of teachers, and the establishment of scholarships; (3), the construction and repair of hospitals, dispensaries, lunatic asylums, wells and tanks, the planting and preservation of trees, the payment of all charges connected with the purposes for which such buildings or works have been constructed, and any other local works likely to promote the public health, comfort or convenience. The aggregate of such assignments in any one year shall not be less than the total sum levied under this Act in such district in the year in which the assignment is made.

Works benefiting several districts.

VII. In the case of works which benefit more districts than one, the Lieutenant Governor may determine what proportion of the expenses of the work shall be borne by each of the districts benefited thereby, and such proportion shall be payable out of the assignments made as aforesaid to such districts respectively.

Unexpended portion of assignment.

VIII. Any portion of such assignment remaining unexpended at the end of the financial year in which the assignment was made may, at the discretion of the Lieutenant Governor, be re-assigned for expenditure in the same district, or may be applied for the benefit of the Panjáb, on such one or more of the purposes mentioned in section six as the Lieutenant Governor from time to time directs.

Accounts to be kept.

IX. Accounts of the receipts in respect of all rates levied under this Act and of the assignments made under section six, shall be kept in each district. Such accounts shall, at all reasonable times, be open to the inspection of the local committee hereinafter mentioned. An abstract of such accounts shall be prepared annually in English and in the vernacular language of the district, and shall be open, at all reasonable times, to public inspection at suitable places within the district without the payment of any fee. An abstract of such accounts shall also be published annually in the local official Gazette.

Local Committee.

X. The Lieutenant Governor shall appoint, in each district, a committee, consisting of not less than six persons, for the purpose of determining how the amount mentioned in section six shall be applied, and of supervising and controlling such amount: provided that not less than one-

third of the members of such committee shall be persons not in the service of Government, and owning or occupying land in the district, or residing therein. The Lieutenant Governor shall from time to time prescribe the manner in which the members of such committee shall be appointed or removed, and shall define the functions and authority of such committee.

Suits under Act cognizable by Courts having cognizance of suits for rent.

XI. Suits for the recovery from co-sharers, tenants or others of any sum on account of any rate imposed under this Act, and all suits on account of illegal exaction of such rate, or for the settlement of accounts, shall be cognizable by the Courts which, for the time being, have cognizance of suits for rent due on land.

Limitation of appeals.

XII. In matters connected with the assessment and collection of any sum leviable under this Act, an appeal shall lie from the order of any person authorized under this Act to make assessments, to such person as the Lieutenant-Governor appoints: provided that such appeal shall be presented within thirty days from the date of such order. The order of such person on such appeal shall be final.

Recovery of rates.

XIII. All sums due on account of any rate imposed under this Act shall be recoverable as if they were arrears of land-revenue due on the land on account of which the rate is payable.

Supplementary powers of Local Government.

XIV. The Lieutenant Governor may, by notification from time to time, (*a*), prescribe by what instalments and at what times such rate shall be payable, and by whom it shall be assessed, collected and paid; (*b*), appoint the person or class of persons to whom the appeals referred to in section twelve shall lie; (*c*), make rules consistent with this Act for the guidance of officers in matters connected with its enforcement; (*d*), exempt wholly or in part any portion of the territories under Government from the operation of this Act, or exempt any land from liability to pay the whole or any part of any rate under this Act; (*e*), direct fresh measurements and vary the assessment accordingly.

Every notification under this section shall be published in the *Government Gazette, Panjáb.*

ACT No. XXI OF 1871.

(*Received the assent of the Governor General on the* 11*th July* 1871.)

CONTENTS.

Preamble.

SECTION.

1. Extension of the Regulations and Acts in force in Saharunpúr to the Dehrá Dún and confirmation of past proceedings.
2. Jurisdiction of the High Court and Board of Revenue, North-Western Provinces, over the Dehrá Dún.
3. District Court of Saharunpúr to be deemed the District Court of the Dehrá Dún.
4. Saving of Jounsar Bawur from the operation of this Act.

AN ACT TO GIVE VALIDITY TO THE OPERATION OF THE GENERAL REGULATIONS AND ACTS WITHIN THE DEHRA DUN.

Preamble.

WHEREAS it is necessary to give validity to the operation of General Regulations and Acts within the district under the Superintendent of the Dehrá Dún, and to indemnify all officers and other persons who have acted in the said district under the said Regulations and Act: It is hereby enacted as follows:—

Extension of Regulations and Acts in force in Saharunpúr to the Dehrá Dún and confirmation of past proceedings.

I. The Regulations and Acts now in force in the district of Saharunpúr are hereby declared to extend to the said district of Dehrá Dún, and no judgment heretofore given, order passed or proceeding had in the said district, shall be deemed to have been or to be invalid merely because any Regulation or Act, under or in reference to which such judgment, order or proceeding was given, passed or had, was not in force at the time of such

judgment, order or proceeding, or on the ground of a defect of jurisdiction in any Court or officer.

Jurisdiction of the High Court and Board of Revenue, North-Western Provinces, over the Dehrá Dún.

II. The High Court and the Board of Revenue of the North-Western Provinces shall exercise, and shall be deemed to have been heretofore authorized to exercise, respectively in the said district, all the powers which the said High Court or Board of Revenue are at present respectively authorized to exercise in any part of the North-Western Provinces.

District Court of Saharunpúr to be deemed the District Court of the Dehrá Dún.

III. The District Court of Saharunpúr shall be deemed to have been heretofore the District Court of the said district of Dehrá Dún, and shall be the District Court of such district until the Local Government otherwise directs; and may, subject to the provisions of Acts VI of 1871, hear appeals from decisions given in the said district before the passing of this Act.

Saving of Jounsar Bawur from the operation of this Act.

IV. Nothing in this Act shall apply to that portion of the Dehrá Dún district called Jounsar Bawur and referred to in section eleven of Act XXIV of 1864.

ACT No. XXII OF 1871.

(*Received the assent of the Governor General on the 1st August* 1871.)

CONTENTS.

Preamble.

SECTION.

1. Amendment of section two, Act No. XX of 1856.
2. To what places the Act shall apply.
3. Amendment of section eleven.
4. Limitation of tax.
5. Amendment of section thirty-eight. Collection of assessment.
6. Amendment of section forty-one.
7. Amendment of Appendices A. and C.
8. Construction. Saving of Bengal from the operation of this Act.

AN ACT TO AUTHORISE THE EXTENSION OF THE CHAUKIDARI ACT TO PLACES WHERE THERE IS NO JAMADAR OF POLICE.

Preamble.

WHEREAS by Act No. XX of 1856 (*to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazáars in the Presidency of Fort William in Bengal*), section two, the Local Government is restrained from extending that Act to any City, Town, Suburb or Bazár, unless there be therein (or in some other City, Town, Suburb or Bazár with which the same may be united as thereinafter provided) a Police Station under an officer of a grade not below that of a Jamadár; and whereas it is expedient to remove such restriction and in other respects to amend the said Act; It is hereby enacted as follows:—

Amendment of section two, Act No. XX of 1856.

To what places the Act shall apply.

I. Instead of the second section of the said Act, the following shall be read:—

"II. The provisons of this Act shall have effect in all Cities, Stations, Towns, Suburbs and Bazárs in the said Presidency to which the Local Government may, at any time, extend the same by notification in the Official Gazette: Provided always that this Act shall not be extended to any agricultural village.

In places in which this Act is now in force, it shall be deemed to have been extended under the provisions of this section."

Amendment of section eleven.

Limitation of tax.

II. Instead of section eleven of the said Act, the following shall be read:—

"XI. If the tax be an assessment according to the circumstances and the property to be protected of the persons liable to the same, the amount assessed in respect of any one house shall not be more than the pay of a chaukídár of the lowest grade. If the tax be a rate on houses and grounds, it shall not exceed five per centum of the annual value thereof."

III. Instead of section thirty-eight of the said Act, the following shall be read :— Amendment of section thirty-eight.

"XXXVIII. On such dates as may be fixed by the Panchayats for payments of instalments of the tax, the Tax-Darogah shall proceed in person, or through some one of his office establishment, to collect the amount due for the current month from each person subject to the tax, and for all sums so collected, the Darogah shall grant a receipt: Provided that with the sanction of the Commissioners of Circuit previously obtained, the collection may be made quarterly instead of monthly; and in such case, the amount due for each quarter shall be collected in the last month of that quarter." Collection of assessment.

IV. In the forty-first section of the said Act, instead of the words "On the 20th of each calendar month," there shall be read the words "On the 10th day after the date fixed for the payment of instalments of the tax." Amendment of section forty-one.

V. In Appendix A, at the end of the first paragraph, the words "and the aggregate amount assessed shall not exceed the average rate of two annas per mensem for each house, shop or building in the district," shall be omitted. Amendment of Appendices A and C.

In Appendix C the words "the first payment on the 10th day of the month next succeeding the date of this Notification, and every subsequent payment on or before the 10th day of each succeeding month," shall be omitted.

VI. This Act shall be read with, and taken as part of, the said Act XX of 1856, but shall not take effect within the territories subject to the Lieutenant Governor of Bengal. Construction. Saving of Bengal from the operation of this Act.

ACT No. XXIII OF 1871.

(*Received the assent of the Governor General on the 8th August* 1871.)

CONTENTS.

Preamble.

SECTION.

1. Short title. Extent of Act. Commencement.
2. Enactments repealed. Saving of rules.
3. Interpretation-section.
4. Bar of suits relating to pensions.
5. Claims to be made to Collector, Deputy Commissioner, or other authorized officer.
6. Civil Court empowered to take cognizance of such claims.
7. Pensions for lands held under grants in perpetuity.
8. Payment to be made by Collector, Deputy Commissioner, or other authorized officer.
9. Saving of rights in respect of the recovery of land-revenue.
10. Commutation of pensions.
11. Exemption of pension from attachment.
12. Assignments, &c., in anticipation of pension, to be void.
13. Rewards to informers.
14. Power to make rules.

AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO PENSIONS AND GRANTS BY GOVERNMENT OF MONEY OR LAND REVENUE.

WHEREAS it is expedient to consolidate and amend the law relating to pensions and grants by Government of money or land-revenue; It is hereby enacted as follows:— Preamble.

I.—PRELIMINARY.

1. This Act may be called "The Pensions' Act, 1871:" It extends to the whole of British India; and it shall come into force on the date of the passing thereof, but not so as to affect any suit in respect of a pension or grant of money or land-revenue which may have been instituted before such date. Short title. Extent of Act. Commencement.

II. The enactments mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column of the said schedule. Enactments repealed.

Saving of rules.

But all rules in regard to the award and payment of pensions or grants of money or land-revenue, and the identification of the persons entitled to receive them made under any such enactment, shall be deemed to have been made under this Act so far as they are consistent therewith.

Interpretation-section.

III. In this Act, the expression "grant of money or land-revenue" includes anything payable on the part of Government in respect of any right, privilege, perquisite or office.

II.—Rights of Pensions.

Bar of suits relating pensions.

IV. Except as hereinafter provided, no Civil Court shall entertain any suit relating to any pension or grant of money or land-revenue conferred or made by the British or any former Government, whatever may have been the consideration for any such pension or grant, and whatever may have been the nature of the payment, claim or right for which such pension or grant may have been substituted.

Claims to be made to Collector, Deputy Commissioner, or other authorized officer.

V. Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the District or Deputy Commissioner or other officer authorized in this behalf by the Local Government, and such Collector, Deputy Commissioner or other officer shall dispose of such claim in accordance with such rules as the Chief Revenue Authority may, subject to the general control of the Local Government, from time to time prescribe in this behalf.

Civil Court empowered to take cognizance of such claims.

VI. A Civil Court, otherwise competent to try the same, shall take cognizance of any such claim upon receiving a certificate from such Collector, Deputy Commissioner or other officer authorized in that behalf that the case may be so tried, but shall not make any order or decree in any suit whatever by which the liability of Government to pay any such pension or grant as aforesaid is affected directly or indirectly.

Pensions for lands held under grants in perpetuity.

VII. Nothing in sections four and six applies to—

(1) any inám of the class referred to in the first section of Madras Act No. IV of 1862;

(2) pensions heretofore granted by Government in the territories respectively subject to the Lieutenant Governors of Bengal and the North-Western Provinces, either wholly or in part as an indemnity for loss sustained by the resumption by a Native Government of lands held under sanads purporting to confer a right in perpetuity. Such pension shall not be liable to resumption on the death of the recipient, but every such pension shall be capable of alienation and descent, and may be sued for and recovered in the same manner as any other property.

III.—Mode of Payment.

Payment to be made by Collector, Deputy Commissioner, or other authorized officer.

VIII. All pensions or grants by Government of money or land-revenue shall be paid by the Collector or the Deputy Commissioner or other authorized officer, subject to such rules as may, from time to time, be prescribed by the Chief Controlling Revenue Authority.

Saving of rights in respect of the recovery of land-revenue.

IX. Nothing in sections four and eight shall affect the right of a grantee of land revenue, whose claim to such grant is admitted by Government, to recover such revenue from the persons liable to pay the same under any law for the time being in force for the recovery of the rent of land.

Commutation of pensions.

X. The Local Government may, with the consent of the holder, order the whole or any part of his pension or grant of money or land-revenue to be commuted for a lump sum on such terms as may seem fit.

IV.—Miscellaneous.

Exemption of pension from attachment.

XI. No pension granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance, and no money due or to become due on account of any

such pension or allowance shall be liable to seizure, attachment or sequestration by process of any Court in British India, at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

Assignments, &c., in anticipation of pension, to be void.

XII. All assigments, agreements, orders, sales and securities of every kind made by the person entitled to any pension, pay or allowance mentioned in section eleven, in respect of any money not payable at or before the making thereof, on account of any such pension, pay or allowance, or for giving or assigning any future interest therein, are null and void.

Reward to informers.

XIII. Whoever proves to the satisfaction of the Local Government that any pension is fraudulently or unduly received by the person enjoying the benefit thereof, shall be entitled to a reward equivalent to the amount of such pension for the period of six months.

Power to make rules.

XIV. The Chief Controlling Revenue Authority may, with the consent of the Local Government, from time to time make rules consistent with this Act respecting all or any of the following matters:—

(1) the place and times at which, and the person to whom, any pension shall be paid,

(2) inquires into the identity of claimants,

(3) records to be kept on the subject of pensions,

(4) transmission of such records,

(5) correction of such records,

(6) delivery of certificates to pensioners.

(7) registers of such certificates,

(8) reference to the Civil Court under section six, of persons claiming a right of succession to, or participation in, pensions or grants of money or land-revenue payable by Government, and generally for the guidance of officers under this Act.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

SCHEDULE.

I.—Bengal Regulations.

Number and year.	Title or Subject.	Extent of Repeal.
XXIV of 1793 ...	A Regulation for re-enacting, with Modifications, the Rules passed by the Governor General in Council on the 10th June 1791, for determining the Continuance or Discontinuance of the Pensions heretofore paid by the Proprietors and Farmers of Land, but included in the Jumma or Revenue payable to Government at the Decennial Settlement, and also of the Pensions heretofore paid from the Sayer abolished.	The whole.
XXXIV of 1795 ...	A Regulation for re-enacting, with Modifications, the Rules respecting the Pensions payable from the Government and Moolky Treasuries in the Province of Benares.	The whole.
XXIV of 1803 ...	A Regulation for trying the Validity of Titles of Persons receiving, or claiming a right to receive Pensions, under the Denominations of Saleanah, Rozenah, or any other Description of Grant, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	The whole.

SCHEDULE.

I.—Bengal Regulations.—*continued.*

Number and year.	Title or Subject.	Extent of Repeal.
I of 1804 ...	A Regulation for the better Management of the Invalid Jagheerdar Establishments, and of the Invalid Pension Establishments.	Sections twenty-three to twenty-six inclusive.
XXII of 1806 ...	A Regulation for modifying the Rules hitherto observed in the admission and Payment of Claims to Pensions.	The whole.
II of 1811 ...	A Regulation for amending the existing Rules for the Support of Invalid Native Commissioned and Non-Commissioned Officers.	The whole.
XI of 1813 ...	A Regulation for modifying some of the Rules before established respecting the Payment of Pensions, and for preventing the Abuses committed in the receipt of Pensions.	The whole.
VI of 1817 ...	A Regulation to explain the Purport and Intent of the Provision contained in Section II, Regulation XXIV, 1803.	The whole.

II.—Madras Regulations.

Number and year.	Title or Subject,	Extent of repeal.
I of 1803 ...	A Regulation for defining the Duties of the Board of Revenue, and for determining the Extent of the Powers vested in the Board of Revenue.	Section forty-three.
II of 1803 ...	A Regulation for describing and determining the conduct to be observed by Collectors in certain Cases.	Section thirty.
IV of 1831 ...	A Regulation for better securing to the Grantees personal or hereditary Grants of Money or of Land Revenue, conferred by the Government in consideration of Services rendered to the State, or in lieu of resumed Offices or Privileges, or of Zemindaries, or Polliems forfeited or held under Attachment or Management by the Officers of Government or as Yeomiahs or Pensions.	The whole.

III.—Bombay Regulation.

Number and year.	Title or Subject.	Extent of Repeal.
XXIX of 1827 ...	A Regulation for bringing under the operation of the Regulations the Bombay Territories in the Dekkan and Khandesh.	Section six, clauses 2 & 3.

SCHEDULE.

IV.—ACTS.

Number and year.	Title or Subject.	Extent of Repeal.
XXXI of 1836 ...	Government Grants. ...	The whole.
XXIII of 1838 ...	Exemption of Grants from attachment ...	The whole.
VI of 1849 ...	An Act for securing Military and Naval Pensions and Superannuation Allowances.	The whole.

ACT No. XXIV OF 1871.

(Received the assent of the Governor General on the 5th September 1871)

THE LOCAL PUBLIC WORKS LOAN ACT 1871.

CONTENTS.

SECTION

1. Title. Extent and Commencement.
2. Loans to be based on security of public property or taxes.
3. Loans not to be effected except under Act.
4. Power to Governor General in Council to make rules.
5. Remedy by attachment if loan not repaid. Attachment not to defeat prior charges legally made.
6. Local Government may authorize parties to borrow from private persons. Procedure on such loan not being repaid.
7. Existing loans.
8. Local Governments to comply with special directions of the Government of India.
9. Saving of charitable or religious foundations, and special borrowing power of certain municipalities.

I. THIS Act may be called "The Local Public Works Loan Act, 1871:" Title.

It shall extend to the whole of British India, and shall come into force upon the passing thereof. Extent and Commencement.

II. Any body corporate, municipal committee, of other persons legally entitled to the control or management of any local or municipal fund, or legally entitled to impose any cess, rate, duty or tax upon any persons in any local limits, may apply to the Local Government for a loan on the security of any such fund, cess, rate, duty or tax, or of any property vested in such body, committee or persons for the purposes of such fund in the manner hereinafter mentioned. Loans to be based on security of public property or taxes.

III. No such body corporate, municipal committee, or other persons shall borrow money upon or otherwise charge any such fund, cess, rate, duty, tax or property otherwise than in the manner hereinafter mentioned; and any contract made for that purpose after the passing of this Act shall be void. Loans not to be effected except under Act.

IV. The Governor General in Council may make, and from time to time amend and alter, rules as to Power to Governor General in Council to make rules.

(1) the nature of the fund, rates, cesses, duties, taxes or property on the security of which loans may be made:

(2) the works of which loans may be made:

(3) the manner of making applications for loans:

(4) the inquiries to be made in relation to such loans, and the manner of conducting such inquiries :

(5) the cases and the forms in which particulars of applications and proceedings, and orders thereon, shall be published :

(6) the cases in which the Local Government may make loans without the previous sanction of the Governor General in Council, and the cases in which such previous sanction must be obtained :

(7) the manner of recording and enforcing the conditions on which such loans are to be made ;

(8) the manner and time of making loans ;

(9) the inspection of works carried out by loans ;

(10) the instalments by which loans shall be repaid, the interest to be charged on loans, and the manner and time of repaying loans and of paying the interest thereon.

(11) the sum to be charged against the fund, cess, rate, duty, tax or property which is to form the security for the loan, as costs in effecting the loan.

(12) the accounts to be kept in respect of loans ;

(13) the attachment of securities and the manner of disposing of or collecting them ; and as to all other matters incidental to carrying this Act into effect.

All such rules shall be published in the *Gazette of India*.

Remedy by attachment if loan not repaid.

V. If any loan made under this Act, or the interest accrued thereupon is not repaid according to the conditions of the loan, the Local Government may attach the fund, rate, cess, tax, duty or property on the security of which the loan was made ; after such attachment, no person except an officer appointed by the Local Government shall in any way deal with the attached fund, rate, cess, tax, duty or property, but such officer may do all acts in respect thereof which the borrowers might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the loan and of all interest and charges due in respect thereof, and of all expenses involved by the attachment and subsequent proceedings : Provided that no such attachment shall defeat or prejudice any debt for which the fund, cess, rate, tax, duty or property attached was previously pledged in accordance with law, but all such prior charges shall be paid out of the proceeds of the fund, cess, rate, tax, duty or property attached, before any part of the proceeds is applied to the satisfaction of a liability incurred under this Act.

Attachment not to defeat prior charges legally made.

Local Government may authorize parties to borrow from private persons.

Procedure on such loan not being repaid.

VI. The Local Government, with the previous sanction of the Governor General in Council, may authorize any body corporate, municipal committee or other persons who might have borrowed money from Government under this Act upon any security, to borrow money from any other person upon such security ; and if any such loan or the interest accrued be not duly repaid the Local Government shall upon the application of the lender, exercise for his benefit the same powers as if the loan had been made by Government under this Act.

Existing loans.

VII. The Governor General in Council or the Local Government may declare that any person who, before the passing of this Act, has lent money to any such body corporate, municipal committee or other person as are mentioned in section two, shall be entitled to the remedy mentioned in section six for the recovery thereof or of the interest due thereupon ; and the Government of India may, in the case of any such loan granted by itself, direct the Local Government to proceed under section six in respect of any such loan

Local Governments to comply with special directions of the Government of India.

VIII. The Local Government shall exercise the discretionary power given by this Act, according to any direction in that behalf which it may receive in any particular case from the Governor General in Council.

IX. Nothing in this Act shall apply to any charitable or religious foundation, or be deemed to preclude the Municipalities of Calcutta, Madras or Bombay from exercising the borrowing powers conferred on them by any special law. Saving of charitable or religious foundations, and special borrowing powers of certain municipalities.

ACT No. XXV OF 1871.

(Received the assent of the Governor General on the 5th September 1871.)

CONTENTS.

AN ACT TO AMEND THE RAILWAY ACT.

Preamble.

SECTION.

1. Short title. Construction. Commencement.
2. Amendment of certain sections of Act XVIII of 1854. 'Railway.' Fares to be pre-paid. Passenger tickets to be given up on demand. Penalty. Construction of the words 'cattle' and 'public road.' Penalty for cattle-trespass within fences of a Railway. Penalty for wilfully driving cattle upon a Railway. Power to make rules as to fences, gates and bars. Power of Railway Company or controlling officer of a Railway to make rules and regulations. Publication of such rules. Penalty for endangering the safety of persons.
3. Addition of section XLIV Power to declare authority by which powers of Local Governments are to be exercised in case of Railways.
4. Amendment of part of section 3, Act XIII of 1870.

WHEREAS it is expedient further to amend Act No. XVIII of 1854 (*relating to Railways in India*); It is hereby enacted as follows:— Preamble.

I. This Act may be called "The Railway Act Amendment Act, 1871:" Short title.

It shall be read with, and taken as part of, the said Act No. XVIII of 1854 (*relating to Railways in India*) and Act No. XIII of 1870 (*to apply the provisions of Act No. XVIII of* 1854 *to Railways belonging to, or worked by, Government*); and it shall come into force on the passing thereof. Construction. Commencement.

II. Act XVIII of 1854 shall be read as if, for sections one, eighteen, nineteen, twenty, twenty-one, twenty-six and twenty-nine of the said Act, the following sections were substituted:— Amendment of certain sections of Act XVIII of 1854.

"1. For the purposes of this Act, 'Railway' includes land within the fences or other boundary-marks prescribed under section twenty-one, and all lines of rail, sidings or branches, worked over by locomotive engines for the purposes of, or in connexion with, a Railway; also all stations, offices, warehouses, fixed machinery and other works constructed or being constructed for the purposes of, or in connexion with, a Railway. 'Railway.'

No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any servant of any said Company duly authorized to examine the same, and shall deliver up such ticket upon demand, to any of the Company's servants duly authorized to collect tickets. Any person not producing or delivering up his ticket as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he Fares to be pre-paid. Passenger tickets to be given up on demand. Penalty.

can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled."

Construction of the words 'cattle' and 'public road.'

"XVIII. The word 'cattle' shall have the meaning attached to it in the Cattle Trespass Act, 1871, and the expression 'public road' in sections eleven and twenty-six of the said Act, shall be deemed to include a Railway.

Any person employed on a Railway may exercise the powers of seizure provided by the said section eleven."

Penalty for cattle trespass within fences of a Railway.

"XIX. The owner or person in charge of any cattle trespassing or straying on any Railway provided with fences suitable for the exclusion of cattle shall, on conviction before a Magistrate, be liable to a fine not exceeding ten rupees for each animal, in addition to any amount that may be recovered under the Cattle Trespass Act."

Penalty for wilfully driving cattle upon a Railway.

"XX. Whenever cattle are wilfully driven or knowingly permitted to be on any Railway provided with fences suitable for the exclusion of cattle, otherwise than for the purpose of crossing the Railway at a gate or bar provided for public use, the person in charge of such cattle, or, if he cannot be identified, then the owner of the said cattle, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees for each animal, in addition to any amount that may be recovered under the said Act.

Fines imposed under this or the preceding section may be recovered in the manner provided by section twenty-five of the said Act."

Power to make rules as to fences, gates and bars.

"XXI. The Governor General in Council, or the Local Government with the sanction of the Governor General in Council, shall make rules, and may in like manner, from time to time, vary the same, for the provision of boundary-marks or fences for any Railway or any part thereof and for roads constructed in connexion therewith, and of gates or bars at places where any Railway crosses a road on the level, and for the employment of persons to open and shut such gates or bars; and may by such rules determine what kind of fences shall, for the purposes of sections nineteen and twenty, be deemed to be suitable for the exclusion of cattle."

Power of Railway Company or controlling officer of a Railway to make rules and regulations.

"XXVI. Every Railway Company, or, in the case of a Railway not managed by a Company, the officer for the time being entrusted with the control of such Railway, shall make general rules and regulations for the use, working and general administration of the Railway, and may in like manner, from time to time, vary the same.

Publication of such rules.

All such general rules and regulations or variations thereof shall be submitted to the Governor General in Council for sanction, and, when sanctioned, shall be published in the *Gazette of India*, and shall be otherwise notified to the public and to the officers and persons employed upon such Railway in such a manner as the Governor General in Council, from time to time, directs.

Any such rule or regulation may contain a provision that any person committing a breach of it shall be liable to a fine not exceeding fifty rupees, or, in default of payment of such fine, to imprisonment of either description for a term which may extend to two months.

The Governor General in Council may at any time cancel any rule or regulation so sanctioned.

Any Justice of the Peace may try an European British subject for an offence under this section, and on conviction award a sentence within the limits thereby prescribed for such offence."

Penalty for endangering the safety of persons.

"XXIX. If any officer or person employed upon a Railway endangers the safety of any person by

(1) disobeying any general rule or regulation sanctioned and notified in the manner prescribed by section twenty-six, or

(2) disobeying any rule or order not inconsistent with the general rules or regulations aforesaid, and which he was bound by the terms of his service to obey, and of which he had notice, or

(3) by any rash or negligent act or omission,

he shall be liable to imprisonment of either description for any term not exceeding three years, or to fine not exceeding five hundred rupees, or to both."

Addition to section XLIV. Power to declare authority by which powers of Local Governments are to be exercised in case of Railways.

III. After section XLIII of the said Act, the following section shall be added :—

"XLIV. The Governor General in Council may from time to time, by notification in the *Gazette of India*, declare what Government shall be deemed to be the Local Government in respect of the whole or any part of a Railway for the purposes of the Act."

Amendment of part of section 3, Act XIII of 1870.

IV. Instead of so much of section three of Act XIII of 1870 as begins with the words "but in sections seventeen" and ends with the section, the following shall be read :—

"but in sections seventeen, twenty-three, forty-one and forty-two, the expressions 'Railway Company,' 'such Railway Company,' 'the Company,' and 'they' (when referring to a Company) shall mean the officer for the time being entrusted with the control of such Railway."

ACT No. XXVI OF 1871.

(*Received the assent of the Governor General on the 28th September* 1871).

THE LAND IMPROVEMENT ACT, 1871.

CONTENTS.

Preamble.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title. Local extent. Commencement.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.

ADVANCES OF MONEY FOR MAKING IMPROVEMENTS.

4. Application for advance.
5. Procedure on receiving application.
6. When advance may be sanctioned to landlord.
7. Procedure when applicant is a tenant.
8. Proof of service of notice.
9. Nature of notice.
10. When advance may be sanctioned to tenant.
11. Notice of application by tenant unable to furnish security to be served on landlord.
12. Service of such notice and particulars to be specified therein.
13. Advance not to be sanctioned when dissent is made by landlord.
14. Contents of certificates under Act.
15. Advances recoverable as arrears of land revenue.
16. Sums expended on account of costs to be recovered as part of advance.
17. Advance not to raise presumption of ownership.

CHAPTER III.

SUPPLEMENTARY POWERS.

18. Power to make rules.

SCHEDULE.

AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO ADVANCES OF MONEY BY THE GOVERNMENT FOR AGRICULTURAL IMPROVEMENTS.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to advances of money by the Government for agricultural improvements; It is hereby enacted as follows :—

CHAPTER I.

Preliminary.

Short title. Local extent. Commencement.

I. This Act may be called "The Land Improvement Act, 1871:" It extends to the whole of British India; and it shall come into force on the passing thereof.

Repeal of enactments.

II. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof, except as to the recovery of any advances made thereunder previous to the passing of this Act.

Interpretation-clause.

III. In this Act—

"Land."

"Land" means land used for agricultural purposes, or waste land which is culturable:

"Rent."

"Rent" means whatever is payable or deliverable for the use or occupation of land:

"Landlord."

"Landlord" includes a superior, intermediate or immediate proprietor, and any person under direct engagement with the Government for the payment of the revenue assessed upon any land:

"Tenant."

"Tenant" means any person actually using or occupying land, and liable to pay or deliver rent therefor.

"Improvement."

"Improvement" means—

1*st*, wells, tanks and other works for the storage, supply or distribution of water for agricultural purposes, or the preparation of land for irrigation;

2*nd*, works for the drainage of land; for the reclaiming of land from rivers, or from other waters; for the protection of land from floods, or from erosion or other damage by water;

3*rd*, the reclaiming, clearing or enclosing of lands for agricultural purposes;

4*th*, the renewal or re-construction of any of the foregoing works, or alterations therein, or additions thereto.

"Collector."

"Collector" means the Collector of Land-revenue, or the Deputy Commissioner, or any officer authorized by the Local Government to exercise the powers of a Collector under this Act.

CHAPTER II.

Advances of Money for making Improvements.

Application for advance.

IV. Any landlord or tenant desiring to make an improvement in any land of which he is in possession or occupation, and to obtain an advance of money to enable him to make such improvement, may make an application to the Collector for such advance, stating the nature and amount of any security which he proposes to furnish for the re-payment of such advance.

Procedure on receiving application.

V. On receiving such application, the Collector shall make such enquiry as he deems necessary to ascertain if the proposed improvement will admit of the advance being made conformably to the rules to be framed under the third clause of section eighteen.

If after such enquiry the Collector is of opinion that the advance may be so made, he shall proceed in the manner hereinafter provided, but if it should appear that the advance cannot be so made, he shall reject the application.

When advance may be sanctioned to landlord.

VI. If the applicant is a landlord, and the value of the land for the improvement of which the advance is asked, or of any other security which may be tendered, or of both, be not less than the amount of the proposed advance, the Collector may grant a certificate sanctioning the advance.

Procedure when applicant is a tenant.

VII. When the applicant is a tenant, and proposes to furnish, as security for the repayment of the advance, any interest alleged to be trans-

ferable which he possesses in the land to be improved or any other land, or any other adequate security, the Collector shall serve notice of the application on the landlord personally; or, if service on him personally cannot be effected, a copy of the notice shall be affixed to some conspicuous place in the Collector's office, and on the house in which the landlord resides; or if he does not reside in the district in which the application is made, or if his residence is not known, the notice shall be served on the person who acts as the local agent for the landlord in respect of the said land.

Proof of service of notice.

VIII. No such notice shall be deemed to have been served unless the service is acknowledged by the landlord or his agent, or the fact of its having been duly made is otherwise established to the satisfaction of the Collector.

In any case in which there are more shareholders than one, and any shareholder or other person acts as a manager on behalf of the shareholders, service on him shall be deemed to be service on each of the shareholders.

Nature of notice.

IX. Such notice shall specify the sum applied for, the nature of the improvement to be made, the nature of the security proposed for the advance, and shall inform the landlord that, if he desires to make any objections to the advance, he must, within one month after service of notice, signify them in writing to the Collector.

When advance may be sanctioned to tenant.

X. If the landlord or his local agent or manager does not so signify such objections, or if the Collector, after considering such objections, is of opinion that the applicant has a transferable interest in the land specified in his application, and that the value of such interest either singly or taken jointly with other security furnished by him is not less than the amount of the advance, he may grant to the applicant a certificate sanctioning the advance.

Notice of application by tenant unable to furnish security to be served on landlord.

XI. When the applicant is a tenant, and cannot furnish security of the nature referred to in section seven, the Collector shall serve notice of the application on the landlord.

Service of such notice and particulars to be specified therein.

XII. Such notice shall be served in the manner provided in sections seven and eight. It shall specify the amount of the proposed advance and the nature of the improvement to be made, and shall inform the landlord that, if he does not within one month after such service signify in writing to the Collector his dissent from the proposed improvement, he will be deemed to have assented thereto and to have agreed that the land, for the improvement of which the advance is to be made, shall be pledged as security for the recovery of the advance.

Advance not to be sanctioned when dissent is made by landlord.

XIII. If the landlord so signifies his dissent, and after the Collector has explained his reasons for thinking the improvement desirable, the landlord does not withdraw such dissent, the Collector shall not grant the certificate.

If the landlord does not signify his dissent, or having dissented, subsequently withdraws his dissent, and the value of the land to be improved, or the value of such land together with that of any other security furnished by the applicant is not less than the amount of the advance, the Collector may grant to the applicant a certificate sanctioning the advance.

Contents of certificates under Act.

XIV. Every certificate granted under this Act shall specify—

(*a*), the amount of the advance;

(*b*), the conditions under which it is to be made and recovered;

(*c*), the position, extent and boundaries of the land to be improved;

(*d*), the nature and amount of the security furnished (if any), other than the land to be improved.

Advances recoverable as arrears of land-revenue.

XV. All sums stated in a certificate granted under this Act shall, when they become due, be recoverable from the person to whom the advance was made, or from any person who has become security for the re-payment

thereof, as if they were arrears of land-revenue due by the person to whom the advance was made or by his security.

If any such sum cannot be so recovered, it shall be recoverable as if it was an arrear of revenue due on the land specified in the said certificate:

Provided that when the person to whom the advance was made is a landlord or a tenant having a right to transfer his interest in the land without the consent of the landlord, the interest of no person other than such landlord or tenant, in the said land, shall be sold under this section.

Sums expended on account of costs to be recovered as part of advance.

XVI. Any sums expended by the Collector in accordance with the rules made under section eighteen, on account of costs of the Government in giving effect to this Act, shall be recoverable as if they were part of the advance in connection with which they were expended.

Advance not to raise presumption of ownership.

XVII. In any case in which a landlord has agreed, under section thirteen, that the land, for the improvement of which an advance under this Act is made, shall be pledged as security for such advance, such improvement shall not be deemed to confer upon the tenant any right to, or interest in, such land, or to alter the respective rights or interests of landlord and tenant therein.

CHAPTER III.

Supplementary Powers.

Power to make rules.

XVIII. The Local Government, with the previous sanction of the Governor General in Council, shall make rules consistent with this Act in all matters connected with its enforcement, and may with the same sanction, from time to time, alter and add to the rules so made.

Such rules shall make provision for—

1st, the manner of making applications for advances under the Act;

2nd, the manner of conducting enquiries relative to such applications;

3rd, the conditions under which advances are to be made, and the manner and time of making advances;

4th, the inspection of works carried out by advances made under this Act;

5th, the instalments by which advances shall be repaid, the interest to be charged on advances, and the manner and time of repaying advances and discharging the interest charged on the same;

6th, the manner of keeping and auditing the accounts of the expenditure of advances, of the repayment of the same, and of the discharge of the interest thereon.

SCHEDULE.

Bengal Regulations.

Number and year.	Title.	Extent of repeal.
II, 1793 ...	A Regulation for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the Trial of the Suits which were cognizable in those Courts to the Courts of Dewanny Adawlut; and prescribing Rules for the conduct of the Board of Revenue and the Collectors.	Sections twenty-three and forty-four.

Bengal Regulations.—continued.

Number and year.	Title.	Extent of repeal.
XIV, 1793 ...	A Regulation for the recovery of Arrears of the public Revenue assessed upon the Lands, from Zemindars, independent Talookdars, and other actual Proprietors of Land, and Farmers of Land holding Farms immediately of Government.	Section forty.
XXXIII, 1793 ...	A Regulation for re-enacting, with Modifications, the Rules passed on the 11th February and 21st October, 1791, for repairing the Embankments kept in Repair at the public Expense, and for encouraging the digging of Tanks or Reservoirs and Water-courses, and making Embankments.	The whole.
III, 1794 ...	A Regulation for exempting Proprietors of Land (with certain Exceptions) from being confined for Arrears of Revenue; and for prescribing the Process by which Tehseeldars are to demand Payment of Arrears; and for enabling the Collectors to recover from Native Officers employed under them, public Money or Papers which they may embezzle or retain; and for expediting the Trial of Causes relating to the public Revenue or the rents of Individuals.	Section eight.
V, 1795 ...	A Regulation prescribing Rules for the Conduct of the Collector of the public Revenue in the Province of Benares.	Section thirty-six.
VI, 1795 ...	A Regulation prescribing the Process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the Lands in the Province of Benares.	Section forty-six.
XLVI, 1795 ...	A Regulation for extending to the Province of Benares, Regulation XXXIII, 1793, entitled, "A Regulation for re-enacting, with Modifications, the Rules passed on the 11th February and 21st October, 1791, for repairing the Embankments kept in Repair at the public Expense; and for encouraging the digging of Tanks or Reservoirs and Water-courses, and making Embankments.	The whole.
XLIV, 1803 ...	A Regulation prescribing Rules for the Repair of Water-courses, Wells, and of other Works constructed for the Improvement of the Cultivation of the Lands, and kept in Repair at the public Expense, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, and for affording Encouragement to Individuals to construct such Works.	The whole.

Bengal Regulations.—continued.

Number and year.	Title.	Extent of Repeal.
VIII, 1805 ...	A Regulation for extending to the conquered Provinces situated within the Doab and on the right Bank of the River Jumna, and to the Territory ceded to the Honourable the English East-India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, as have not been already extended to those Territories, and for revising and amending certain Parts of the said Laws and Regulations.	Section twenty-eight.
	BOMBAY REGULATION.	
XVII, 1827. ...	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the Land Revenue, defining the relative Rights in the Land and its Produce, of the Government and the Subject, of the Superior Holder and the Tenant; vesting the Collector with judicial Powers in Cases regarding Land, and its Rent and Produce, and declaring the Circumstances under which exemption from the payment of Land Revenue is to be enjoyed.	Section thirteen.

ACT No. XXVII OF 1871.

(*Received the assent of the Governor General on the 12th October* 1871.)

CRIMINAL TRIBES' ACT, 1871.

CONTENTS.

Preamble.

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PART I.

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4. Occupation of wandering tribe to be stated; also proposed residence and means of livelihood.
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9. Penalties for failing to appear, refusing or giving false information.
10. Charge of register. Reporting desirable alterations.
11. By whom alterations to be made. Notice to persons affected.
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SECTION.

14. Removal to other place.
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29. Disabilities of registered eunuchs.
30. Power to require information as to registered eunuch's property. Penalty for refusing such information.
31. Rules for making and keeping up registers of eunuchs.

AN ACT FOR THE REGISTRATION OF CRIMINAL TRIBES AND EUNUCHS.

Preamble.

WHEREAS it is expedient to provide for the registration, surveillance and control of certain criminal tribes and eunuchs; It is hereby enacted as follows:—

Short title. Commencement.

I. This Act may be called "The Criminal Tribes' Act, 1871," and it shall come into force on the passing thereof.

Local extent.

This section and section twenty extend to the whole of British India: the rest of this Act extends only to the territories under the Governments of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, respectively, and under the administration of the Chief Commissioner of Oudh.

PART I.

CRIMINAL TRIBES.

Local Government to report what tribes should be declared criminal.

II. If the Local Government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences, it may report the case to the Governor General in Council, and may request his permission to declare such tribe, gang or class to be a criminal tribe.

Report to contain certain particulars.

III. The report shall state the reasons why such tribe, gang or class is considered to be addicted to the systematic commission of non-bailable offences, and, as far as possible, the nature and the circumstances of the offences in which the members of the tribe are supposed to have been concerned and shall describe the manner in which it is proposed that such tribe, gang or class shall earn its living when the provisions hereinafter contained have been applied to it

Occupation of wandering tribe to be stated;

IV. If such tribe, gang or class has no fixed place of residence, the report shall state whether such tribe, gang or class follows any lawful occupation, and whether such occupation is, in the opinion of the Local Government, the real occupation of such tribe, gang or class, or a pretence for the purpose of facilitating the commission of crimes, and shall set

also proposed residence and means of livelihood.

forth the grounds on which such opinion is based; and the report shall also specify the place of residence in which such wandering tribe, gang or class is to be settled under the provisions hereinafter contained, and the arrangements which are proposed to be made for enabling it to earn its living therein.

Notification declaring tribe to be criminal.

V. If, upon the consideration of any such report the Governor General in Council is satisfied that the tribe, gang or class to which it relates ought to be declared criminal, and that the means by which it is proposed that such tribe, gang or class shall earn its living are adequate, he may authorize the Local Government to publish in the Local *Gazette* a notification declaring that such tribe, gang or class is a criminal tribe, and thereupon the provisions of this Act shall become applicable to such tribe, gang or class.

Bar of jurisdiction of Courts in questions relating to notification.

VI. No Court of Justice shall question the validity of any such notification on the ground that the provisions hereinbefore contained, or any of them, have not been complied with, or entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that the provisons of this Act are applicable to the tribe, gang or class specified therein.

Register of members of such tribes.

VII. When the notification mentioned in section five has been published, the Local Government may direct the Magistrate of any district in which such tribe, gang or class, or any part thereof, is at the time resident, to make a register of the members of such tribe, gang or class, or of any part thereof.

The declaration of the Local Government that any such tribe, gang or class, or any part of it, is resident in any district, shall be conclusive proof of such residence.

Procedure in making register.

VIII. Upon receiving such direction, the said Magistrate shall publish a notice in the place where the register is to be made, calling upon all the members of such tribe, gang or class, or of such portion thereof as is directed to be registered, to appear, at a time and place therein specified, before such persons as he appoints, and to give those persons such information as may be necessary to enable them to make the register.

Penalties for failing to appear, refusing or giving false information.

IX. Any member of any such tribe, gang or class who, without lawful excuse, the burthen of proving which shall lie upon him, shall fail to appear according to such notice, or who shall intentionally omit to furnish such information, or who shall furnish, as true, information on the subject which he knows or has reason to believe to be false,

shall be deemed guilty of an offence under the first parts of section one hundred and seventy-four, or one hundred and seventy-six, or one hundred and seventy-seven of the Indian Penal Code, respectively, as the case may be.

Charge of register.

Reporting desirable alterations.

X. The register, when made, shall be kept by the District Superintendent of Police, who shall, from time to time, report to the said Magistrate any alterations which ought to be made therein, either by way of addition or erasure.

By whom alterations to be made.

Notice to persons affected.

XI. No alteration shall be made in such register except by or by order of the said Magistrate, and he shall write his initials against every such alteration. Notice shall be given of any such intended alteration, and of the time when and place where, it is to be made, to every person affected thereby.

Complaints of entries in register.

XII. Any person deeming himself aggrieved by any entry made, or proposed to be made in such register, either when the register is first made or subsequently, may complain to the said Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it therefrom, as he may see fit.

Every order for the erasure of any such person's name shall state the grounds on which such person's name is erased.

The Commissioner shall have power to review any order of entry, retention or erasure, passed by the said Magistrate on any such complaint, either on appeal by the person registered or proposed to be registered, or otherwise.

Settlement of tribe in place prescribed by Local Government.

XIII. Any tribe, gang or class, which has been declared to be criminal, and which has no fixed place of residence, may be settled in a place of residence prescribed by the Local Government.

Removal to other place.

XIV. Any tribe, gang or class which has been declared to the criminal, or any part thereof, may by order of the Local Government, be removed to any other place of residence.

Arrangements to be made prior to settlement or removal.

XV. No tribe, gang or class, shall be settled or removed under the provisions of this Act until such arrangements as the Local Government shall, with the concurrence of Governor General in Council, consider suitable, have been made for enabling such tribe, gang or class, or such part thereof as is to be so settled or removed, to earn a living in the place in or to which it is be settled or removed.

Transfer of register of persons ordered to be removed.

XVI. When the removal of any persons has been ordered under this Act, the register of such persons' names shall be transferred to the District Superintendent of Police of the district to which such persons are removed, and the Magistrate of the said district and the Commissioner of the division in which it is situated, shall thereupon be empowered to exercise respectively the powers provided in sections eleven and twelve.

Power to place tribe in reformatory settlement.

XVII. The Local Government may, with the sanction of the Governor General in Council, place any tribe, gang or class, which has been declared to be criminal, or any part thereof, in a reformatory settlement.

Power to make rules.

XVIII. The Local Government may, with the previous consent of the Governor General in Council, make rules to prescribe—

(1), the form in which the register shall be made by the said Magistrate;

(2), the mode in which the said Magistrate shall publish the notice prescribed in section eight, and the means by which the persons whom it concerns, and the headmen, Village-Watchmen and landowners or occupies of the village, in which such persons reside, shall be informed of its publication;

(3), the mode in which the notice prescribed in section eleven shall be given;

(4), the limits within which persons whose names are on the register shall reside;

(5), conditions as to holding passes, under which such persons may be permitted to leave the said limits;

(6), conditions to be inserted in any such pass as to

(*a*), the places where the holder of the pass may go or reside;

(*b*), the officers before whom, from time to time, he shall be bound to present himself;

(*c*), and the time during which he may absent himself;

(7), conditions as to answering at roll-call or otherwise, in order to satisfy the said Magistrate or persons authorized by him, that the persons whose names are on the register are actually present at given times within the said limits;

(8), the inspection of the residences and villages of any such tribe, gang or class, and the prevention or removal of contrivances for enabling the residents therein to conceal stolen property, or to leave their place of residence without leave;

(9), the terms upon which registered persons may be discharged from the operation of this Act;

(10), the mode in which criminal tribes shall be settled and removed;

(11), the control and supervision of reformatory settlements;

(12), the works on which, and the hours during which, persons placed in a reformatory settlement shall be employed, the rates at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour after defraying the whole or such part of the expenses of their supervision and control as to the Local Government shall seem fit;

(13), the discipline to which persons endeavouring to escape from any such settlement, or otherwise offending against the rules for the time being in force, shall be submitted; the periodical visitation of such settlement, and the removal from it of such persons as it shall seem expedient to remove;

(14), and generally to carry out the purposes of this Act.

Penalties for breach of rules.

XIX. Any person violating any of the rules made under section eighteen shall be punished with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments; and, on any second conviction for a breach of any of the said rules, with rigorous imprisonment which may extend to one year, or with fine, or with whipping to be inflicted in the manner prescribed by any law in force for the time being in relation to whipping, or with all or any two of those punishments.

Arrest of registered person found beyond prescribed limits.

XX. Any person registered under the provisions of this Act, who is found in any part of British India, beyond the limits so prescribed for his residence, without such pass as may be required by the said rules, or in a place or at a time not permitted by the conditions of his pass,

or who escapes from a reformatory settlement,

may be arrested without warrant by any police officer or village-watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided, or to the reformatory settlement from which he has escaped (as the case may be), there to be dealt with according to the rules under this Act for the time being in force.

The rules for the time being in force for the transmission of prisoners shall apply to all persons removed under this section: Provided that an order from the Local Government or from the Inspector General of Persons shall not be necessary for the removal of such persons.

Duties of Village-Headmen, Village-Watchmen, &c.

XXI. It shall be the duty of every Village-Headman and Village-Watchman in a village in which any persons belonging to a tribe, class or gang which has been declared criminal reside, and of every owner or occupier of land on which any such persons reside, to give the earliest information in his power at the nearest police station of

(1), the failure of any such person to appear and give information, as directed in section eight;

(2), the departure of any such person from such village or from such land (as the case may be).

And it shall be the duty of every Village-Headman and Village-Watchman in a village, and of every owner or occupier of land, to give the earliest information in his power at the nearest police station of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any such tribe, class or gang.

Penalty for breach of such duties.

XXII. Any Village-Headman, Village-Watchman, owner or occupier of land, who shall fail to comply with the requirements of section twenty-one, shall be deemed to have committed an offence under the first part of section one hundred and seventy-six of the Indian Penal Code.

Indemnity for past registrations and detentions.

XXIII. All Magistrates and other persons are hereby indemnified for anything heretofore done under the circular order 18 of 1856 of the Judicial Commissioner of the Panjáb, or under any orders of the Local Governments of the North-Western Provinces or Oudh, relating to the registration or detention of tribes regarded by such Local Governments

as criminal tribes ; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of any thing so done.

PART II.

EUNUCHS.

Registers of eunuchs and their property.

XXIV. The Local Government shall cause the following registers to be made and kept up by such officer as, from time to time, it appoints in this behalf—

(*a*), a register of the names and residences of all eunuchs residing in any town or place to which the Local Government specially extends this Part of this Act, who are reasonably suspected of kidnapping or castrating children, or of committing offences under section three hundred and seventy-seven of the Indian Penal Code, or of abetting the commission of any of the said offences ; and

(*b*), a register of the property of such of the said eunuchs as, under the provisions hereinafter contained, are required to furnish information as to their property.

'Eunuch' defined

The term 'eunuch' shall, for the purposes of this Act, be deemed to include all persons of the male sex who admit themselves, or on medical inspection clearly appear, to be impotent.

Complaints of entries in register.

XXV. Any person deeming himself aggrieved by any entry made or proposed to be made in such register, either when the register is first made or subsequently, may complain to the said officer, who shall enter such person's name, or erase it, or retain it, as he sees fit.

Every order for erasure of such person's name shall state the grounds on which such person's name is erased.

The Commissioner shall have power to review any order passed by such officer on such complaint, either on appeal by the complainant or otherwise.

Penalty on registered eunuch appearing in female clothes ; or dancing in public or for hire.

XXVI. Any eunuch so registered who appears, dressed or ornamented like a woman, in a public street or place, or in any other place, with the intention of being seen from a public street or place,

or who dances or plays music, or takes part in any public exhibition, in a public street or place or for hire in a private house,

may be arrested without warrant, and shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Penalty on registered eunuch keeping boy under sixteen.

XXVII. Any eunuch so registered who has in his charge, or keeps in the house in which he resides, or under his control, any boy who has not completed the age of sixteen years, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Maintenance and education of boys whose parents cannot be found.

XXVIII. The Magistrate may direct that any such boy shall be returned to his parents or guardians if they can be discovered. If they cannot be discovered the Magistrate may make such arrangements as he thinks necessary for the maintenance and education of such boy, and may direct that the whole or any part of a fine inflicted under section twenty-seven may be employed in defraying the cost of such arrangements.

The Local Government may direct out of what local or municipal fund so much of the cost of such arrangements as is not met by the fine imposed shall be defrayed.

Disabilities of registered eunuchs.

XXIX No eunuch so registered shall be capable—

(*a*), of being or acting as guardian to any minor ;

(*b*), of making a gift ;

(*c*), of making a will, or

(*d*), of adopting a son.

Power to require information as to registered eunuch's property.

XXX. Any officer authorized by the Local Government in this behalf may, from time to time, require any eunuch so registered to furnish information as to all property, whether moveable or immoveable, of or to which he is possessed or entitled, or which is held in trust for him.

Penalty for refusing such information.

Any such eunuch intentionally omitting to furnish such information, or furnishing, as true, information on the subject which he knows, or has reason to believe, to be false, shall be deemed to have committed an offence under section one hundred and seventy-six or one hundred and seventy-seven of the Indian Penal Code, as the case may be.

Rules for making and keeping up registers of eunuchs.

XXXI. The Local Government may, with the previous sanction of the Governor General in Council, make rules for the making and keeping up and charge of registers made under this Part of the Act.

ACT No. XXVIII OF 1871.

(Received the assent of the Governor General on the 19th October 1871.)

CONTENTS.

Preamble.

SECTION.

1. Addition to Act XXI, 1869. Liability of Consignee or Agent in case of Europeans arriving in charge of animals becoming Vagrants. "Consignee." "Agent."
2. Commencement.
3. Construction.

AN ACT TO AMEND THE EUROPEAN VAGRANCY ACT, 1869.

Preamble.

WHEREAS it is expedient to amend the European Vagrancy Act, No. XXI of 1869; It is hereby enacted as follows:—

Addition to Act XXI, 1869. Liability of consignee or agent in case of Europeans arriving in charge of animals becoming vagrants.

I. After section thirty-one, the following section shall be read:

"31A. When any person of European extraction lands in India, being or having been during his passage to India in charge of, or in attendance upon, any animal, and becomes chargeable to the State as a vagrant within one year after his arrival in India, then the consignee of such animal or the agents in India for the sale of such animal, or, if such consignee or agent cannot be found, the agent to whom the ship in which such animal arrived in India was consigned, shall be liable to pay to the Government the cost of such person's removal under this Act, and all other charges incurred by the State in consequence of his becoming a vagrant.

Any such consignee or agent shall be entitled to charge the consignor or principal for any payment to the Government under this section.

"Consignee."

For the purposes of this section 'Consignee' includes any person who undertakes to dispose of such animal for the benefit of the consignor.

"Agent."

'Agent' includes any person who undertakes the agency of such ship though it may not have been consigned to him."

Commencement.

II. This Act shall come into force, as against any agent to whom any such ship may have been consigned, on the first day of January 1872; as against all other persons, on the passing thereof.

Construction.

III. This Act shall be read with, and taken as part of, the European Vagrancy Act, 1869.

ACT No. XXIX OF 1871.

(Received the assent of the Governor General on the 19th October 1871).

CONTENTS.

Preamble.

SECTION.

1. Repeal of enactments.

AN ACT FOR REPEALING CERTAIN REGULATIONS OF THE BENGAL CODE WHICH HAVE CEASED TO BE IN FORCE OR HAVE BECOME UNNECESSARY.

Preamble.

WHEREAS it is expedient that the Regulations mentioned in the schedule annexed to this Act which have ceased to be in force otherwise than by ex-

press repeal, or have by change of circumstances become unnecessary, or which merely repeal previous Regulations or parts thereof, should be expressly rescinded ; It is hereby enacted as follows :—

I. The unrepealed portions of the Regulations specified in the schedule hereto annexed are repealed : Repeal of enactments.

Provided that such repeal shall not affect any Regulation or Act in which the repealed enactment has been applied, incorporated or referred to ;

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right, title or interest already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing ;

Nor shall this Act affect any principle or rule of law, or established jurisdiction, practice or procedure, or existing usage, custom, privilege or exemption, notwithstanding that the same may have been in any manner affirmed, recognized or derived by, in, or from, any enactment hereby repealed ;

Nor shall this Act operate to revive any jurisdiction, office, usage, custom, privilege or exemption not now existing or in force.

SCHEDULE.

No. and year of Regulation.	Title.
Regulation VI of 1793 ...	A Regulation for extending and defining the Powers and Duties of the Court of Sudder Dewanny Adawlut, and prescribing Rules for receiving and deciding upon appeals from the Decisions of the Provincial Courts of Appeal.
Regulation XIII of 1793 ...	A Regulation for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective Duties.
Regulation XX of 1793 ...	A Regulation for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance.
Regulation XXII of 1793 ...	A Regulation for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 7th December, 1792, for the Establishment of an efficient Police throughout the Country.
Regulation XXVI of 1793 ...	A Regulation for extending the term of Minority of Mahomedan and Hindoo Proprietors of Land paying Revenue to Government to the expiration of the eighteenth year.
Regulation XXVII of 1793 ...	A Regulation for re-enacting, with Alterations and Modifications, the Rules passed by the Governor General in Council on the 11th June and 28th July, 1790, and subsequent Dates, for the Resumption and Abolition of the Sayer, or internal Duties and Taxes, throughout Bengal, Behar and Orissa, and for adjusting and paying the Deductions and Compensations directed to be granted to the Proprietors and Farmers of Estates paying Revenue to Government, and the Holders of Property exempt from the Payment of Revenue to Government, on account of the Duties and Taxes abolished.
Regulation XLIII of 1793 ...	A Regulation for re-enacting, with Modifications, the Rules passed on the 25th February, 793 for granting Lands to invalided Native Officers and Private Soldiers.

SCHEDULE—*continued.*

No. and year of Regulation.	Title.
Regulation X IV of 1793 ...	A Regulation for prohibiting the fixing the jumma of dependent Talooks, or granting Leases or Pottahs for a Term exceeding ten years; and, in Cases of Lands being disposed of at public sale for the Discharge of arrears of the public Revenue, for rendering null and void all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor and his dependent Talookdars, Under-farmers, and Ryots for the payment of Rent or Revenue on account of the Lands so sold.
Regulation X of 1795 ...	A Regulation for empowering the Sudder Dewanny Adawlut to receive and decide upon Appeals from Decisions of the Provincial Court of Appeal established in the Province of Benares; and for defining the Jurisdiction, Powers, and Authorities of the Sudder Dewanny Adawlut in that Province.
Regulation XII of 1795 ...	A Regulation for extending to the Province of Benares Regulation XIII, 1793, entitled "A Regulation for the Appoin ment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respec ive Duties."
Regulation XLIII of 1795 ...	A Regulation for enacting into a Regulation the Rules passed on the 18th February, 1789, and 24th December, 1790, for granting Lands to discharged Native Invalid Office s, and Private Soldiers, in the Province of Benares.
Regulation L of 1795 ...	A Regulation for prohibiting Talookdars, Zemindars, or other Proprietors of Land paying Revenue, in the Province of Benares, from fixing the Jumma of dependent Tenants (whether Zemindars or Putteedars), or granting Leases or Pottahs for a Term exceeding ten years; and in Cases of Lands being disposed of at public Sale for the Discharge of Arrears of the public Revenue, for rendering null and void all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor and his dependent Zemindars, Putteedars, Under-farmers, and Ryots, for the Payment of Rent or Revenue on account of the Lands so sold.
Regulation III of 1796 ...	A Regulation for excluding from the Jurisdiction of the Court of Wards, c rtain Descriptions of Landed Estates belonging to disqualified Landholders, and for declaring the Rules in Section V. Regulation XLIV, 1793, to extend to the cancelling wholly the Leases of those Under-farmers, a Part only of the Land inc'uded in whose Leases may be sold for Arrears of Reveuue.
Regulation IV of 1796 ...	A Regulation to provide for the occasional Absence of the Zillah and City Judges and Magistrates, in the Provinces of Bengal, Behar, Orissa, and Benares, from their respective Stations; and prescribing the Duties to be performed by the Registers of the Courts and the Assistants, on such Occasions, as well as in the Discharge of their official Functions.
Regulation II of 1797 ...	A Regulation for defining more specifically the Responsibility of the Landholders and Farmers of Land in the Province of Benares, under the Charge of the Police vested in them, conformably to their Engagements by Regulation XVII, 1795.

SCHEDULE.—*continued.*

No. and year of Regulation.	Title.
Regulation VI of 1797 ...	A Regulation for abolishing Regulation XXIII, 1793, entitled, "A Regulation for raising an Annual Fund for defraying the Expense of the Police Establishments entertained under Regulation XXII, 1793;" and for establishing new Fees on the Institution and Trial of Suits, in lieu of those prescribed by Regulation XXXVIII, 1795; and for levying a Stamp Duty on certain Law and other Papers and Documents, and a Percentage on the Fees of the authorized Pleaders in the Courts of Civil Judicature, in the Provinces of Bengal, Behar, Orissa, and Benares.
Regulation IX of 1799 ...	A Regulation for further providing against Resistance to the Processes of the Civil Courts in the Cities of Dacca, Moorshedabad, and Patna, as well as against Resistance to the Processes of the Civil Courts in general.
Regulation II of 1801 ...	A Regulation for the more speedy and effectual Administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.
Regulation VIII of 1803 ...	A Regulation for extending the Jurisdiction of the Nizamut Adawlut to the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company.
Regulation XII of 1803 ...	A Regulation for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company.
Regulation XXVI of 1803 ...	A Regulation prescribing Rules for the Sale and Division of Lands paying Revenue to Government, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company.
Regulation XXXV of 1803 ...	A Regulation for the establishment of an efficient System of Police in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company.
Regulation XLVII of 1803 ...	A Regulation for prohibiting the fixing the Jumma of dependent Talooks, or granting Leases or Pattahs for a term extending beyond the Term of the Lease of the Lands held by the Grantor of the Pottah; or, in cases in which the Grantor shall hold his Lands on a fixed Jumma in Perpetuity, for prohibiting the granting of Leases or Pottahs for a Term exceeding Ten Years; and, in Cases of Lands being disposed of at public Sale for the Discharge of Arrears of public Revenue, for rendering null and void all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor and his dependent Talookdars, Farmers, and Ryots, for the Payment of Rent or Revenue on account of the Lands so sold, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company.
Regulation I of 1804 ...	A Regulation for the better Management of the Invalid Jaghcerdar Establishments, and of the Invalid Pension Establishments.
Regulation XVII of 1805 ...	A Regulation for modifying the Rules contained in Regulation VIII, 1793, respecting the Management of joint undivided Estates.

SCHEDULE—*continued.*

No. and year of Regulation.	Title.
Regulation X of 1806 ...	A Regulation for extending to the Judicial Department such Parts of Regulation VIII, 1806, as are applicable to Charges or Information against the European Public Officers employed in that Department, and for making further Provision in such Cases.
Regulation XXI of 1806 ...	A Regulation for making certain Alterations in the Office of Tehseeldar in the Province of Benares, and in the Ceded and Conquered Provinces, on the Death, Resignation, or Removal of any Persons by whom those Offices are at present held.
Regulation XIV of 1807 ...	A Regulation for amending the System of Police established in the Province of Benares and in the Ceded and Conquered Provinces within the Divisions of Bareilly and Benares; also for extending to those Provinces the Provisions contained in Regulation XII, 1807, for the Appointment of Ameens of Police.
Regulation V of 1808 ...	A Regulation to explain and declare the Intent and Meaning of certain Clauses in the existing Regulations, respecting the Settlement of the Land Revenue in the Ceded Provinces.
Regulation VII of 1808 ...	A Regulation for completing the Registers of Lands held free of Assessment in the Ceded and Conquered Provinces in the Doab, and on the left Bank of the River Jumna, and in the Territory ceded by His Highness the Peshwah to the British Government in Bundlecund.
Regulation XI of 1808 ...	A Regulation for the Adjustment of the Rent payable by the Heirs of invalid Jaggeerdars.
Regulation III of 1809 ...	A Regulation for the Support of the Police in the Cantonments and Military Bazars; for defining the Powers of the Civil and Military Officers in the Performance of that Duty; and for fixing the Local Limits of the said Cantonments and Bazaars.
Regulation XIII of 1811 ...	A Regulation for the more convenient and efficient Discharge of the Duties of the Board of Revenue.
Regulation IX of 1812 ...	A Regulation for modifying some of the Rules before enacted regarding the Settlement of the Ceded Provinces.
Regulation X of 1812 ...	A Regulation for modifying some of the Rules before enacted regarding the Settlement of the Conquered Provinces lying on the right and left Banks of the River Jumna, of the Territory ceded by his Highness the Peshwa in Bundlecund, and of the District of Cuttack.
Regulation XIV of 1812 ...	A Regulation for modifying, in certain Cases, the Rule contained in Section II, Regulation V, 1812, regarding the Grant of Leases by the Proprietors of Lands in the Ceded and Conquered Provinces to their tenants.
Regulation II of 1813 ...	A Regulation for preventing Native Officers from making Use of Public Money intrusted to their Care.
Regulation XXI of 1814 ...	A Regulation for preventing the Zillah and City Judges and Collectors of the public Revenue from employing their Native Creditors on their respective Establishments.
Regulation I of 1815 ...	A Regulation for securing the Right of the British Government to assess Land held under Mocurreree or Istumrar Grants of any preceding Government, on the Decease of the Holders thereof.

No. and year of Regulation.	Title.
Regulation XIII of 1871 ...	A Regulation for establishing the Office of Canoongoe in the District of Midnapore, and in the Mehauls subject to the Authority of the Collector of Hidgellee, and for extending to the said District and Mehauls the operation of Regulation XII, 1817.
Regulation XVI of 1817 ...	A Regulation for imposing a duty on Foreign Opium imported by Sea into any Port or Place within the Limits of the Territories immediately dependent on the Presidency of Fort William.
Regulation XVIII of 1817 ..	A Regulation to modify the Rules in Force which prescribe an Oath of Office to be taken by certain Native officers; and to explain and amend other Provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts.
Regulation XXIV of 1817 ...	A Regulation for modifying the Constitution of the Commission established in the Provinces of Behar and Benares, and in the districts of Ramghur, Bhagulpore, and Purneah; for extending the Authority of the said Commission to the Districts of Dinagepore and Rungpore; and for better defining the Powers to be exercised in certain cases by a single Member of the Board of Revenue, or Commission vested with the Authority of that Board.
Regulation I of 1818 ...	A Regulation for establishing the Office of Canoongoe in the Districts of the Twenty-four Pergunnahs, Nuddea, Jessore, Dacca, Jelalpore, and Backergunge, and for extending to the said Districts the Operation of Regulation XII, 1817.
Regulation III of 1820 ...	A Regulation for rescinding some of the Provisions of Regulation XI, 1806, and for preventing the Practice af Pressing Coolies or Begarees.
Regulation II of 1822 ..	A Regulation for modifying certain Provisions in the existing Regulations relative to the Officers employed in the Collection of the Government Customs and Town Duties.
Regulation XI of 1824 ..	A Regulation for empowering the Zillah and City Judges and Magistrates to depute their Registers or Assistants, for the purpose of making local Investigations in certain Cases.
Regulation VIII of 1825 ..	A Regulation to make futher Provision for the Employment of Native Officers in the Judicial Department, and to provide for the Punishment of false and malicious charges agaist the European Officers of Government.
Regulation IX of 1826 ...	A Regulation for transferring the Superintendence of the Custom House at Patna from the Board of Revenue in Central Provinces to the Board of Customs at the Presidency; and for vesting the latter Board with the Control of the other Customs in the Central and Western Provinces, and in the Province of Cuttack concurrently with the Central and Western Boards of Revenue and the Commissioner of Cuttack respectively.
Regulation I of 1827 ...	A Regulation for rescinding Regulation I, 1796, and providing a Special Form of Trial for the Mountaineers of Bhaugulpore, also for investing the Magistrate of Bhaugulpore with Summary Powers for the Adjustment of certain Civil Claims.
Regulation IX of 828 ...	A Regulation for amending the Rules in Force in Regard to Special or Second Appeals, instituted *in Forma Pauperis*.

SCHEDULE,—*continued.*

No and year o fRegulation.	Title
Regulation III of 1829 ...	A Regulation for abolishing certain Offiical Designations amongst the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, and of the Provincial Courts; for amending the Rules at present in Force, which require the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, or other Public Officers, to take the prescribed Oaths of Office before the Governor General in Council; for providing for the Decision of Civil Suits and Appeals in the Provincial Courts, in certain Cases; for amending Regulation VIII, 1825, and for discontinuing the Offices of Hindoo and Mahomedan Law Officer in the Provincial Courts.
Regulation II of 1830 ...	A Regulation for rescinding and re-enacting, with Modifications, the Provisions contained in Regulation VII, 1818, for regulating the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies.

ACT No. XXX of 1871.

(*Received the assent of the Governor General on the 30th October* 1871.)

THE PANJAB CANAL AND DRAINAGE ACT, 1871.

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SCHEDULE.

AN ACT TO REGULATE IRRIGATION, NAVIGATION AND DRAINAGE IN THE PANJAB.

Preamble. WHEREAS all lakes, rivers, streams and other natural drainage-channels and collections of water in the Panjáb are the property of the Government; and whereas it is expedient to amend the law relating to irrigation, navigation and drainage; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title. I. This Act may be called "The Panjáb Canal and Drainage Act, 1871."

It extends to the territories for the time being under the government of the Lieutenant-Governor of the Panjâb; Local extent.

And it shall come into force on the passing thereof. Commencement.

II. The Acts mentioned in the schedule hereto annexed are repealed to the extent specified in the third column of the said schedule. Repeal of Acts.

III. In this Act, unless there be something repugnant in the context— Interpretation-clause.

(1.) "Canal" includes— "Canal."

(*a*), all canals, channels and reservoirs constructed, maintained or controlled by Government for the storage or supply of water;

(*b*), all works, embankments, structures, supply and escape-channels connected with such canals, channels or reservoirs;

(*c*), all lands occupied by Government for the purposes of canals, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce, occupied by or belonging to Government, upon such lands;

(*d*), all water-courses as defined in the second clause of this section;

(*e*), any part of a river, stream, lake or natural collection of water, or natural drainage-channel, to which the Local Government has applied the provisions of Part II of this Act;

(2.) "Water-course" means any channel which is supplied with water from a canal, but which is not maintained at the cost of Government; and all subsidiary works belonging to any such channel; "Water-course."

(3.) "Drainage-work" includes escape-channels from a canal, dams, weirs, embankments, sluices, groins, and other works for the protection of lands from flood or from erosion, formed or maintained by the Government under the provisions of Part V of this Act; but does not include works for the removal of sewage from towns; "Drainage-work."

(4.) "Vessel" includes boats, rafts, timber and other floating bodies; "Vessel."

(5.) "Commissioner" means a Commissioner of a Division, and includes any officer appointed under this Act to exercise all or any of the powers of a Commissioner; Commissioner."

(6.) "Deputy Commissioner" means the head Revenue Officer of a District, and includes any officer appointed under this Act to exercise all or any of the powers of a Deputy Commissioner; "Deputy Commissioner."

(7.) "Canal Officer" means an officer appointed under this Act to exercise control or jurisdiction over a canal or any part thereof; "Canal Officer."

A Superintending Canal Officer means an officer exercising general control over a canal or portion of a canal;

A Divisional Canal Officer means an officer exercising control over a division of a canal;

A Sub-Divisional Canal Officer means an officer exercising control over a sub-division of a canal.

All such officers shall be respectively subject to the orders of such officers as the Local Government shall, from time to time, direct.

(8.) "District" means a district as fixed for revenue purposes. "District."

IV. The Local Government may from time to time declare, by notification in the official *Gazette*, the officers by whom, and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed. Power to appoint officers.

PART II.

PROCEDURE FOR APPLYING A WATER-SUPPLY TO PUBLIC PURPOSES, AND AWARDING COMPENSATION FOR LOSS ARISING THEREON.

V. Whenever it appears expedient to the Local Government that the water of any river, stream, lake, natural drainage-channel or other collection of water should be applied by the Government for the purpose of any exist- Notification to issue when water-supply is to be applied for public purposes.

ing or projected canal or drainage-work, such Government may, by notification in the official *Gazette*, declare that the said water will be so applied by the Government after a day to be named in the said notification, not being earlier than three months from the date thereof.

Powers of Canal officer.

VI. At any time after the day so named, any Canal officer, acting under the orders of the Local Government in this behalf, may enter on any land and remove any obstructions, and may close any channels, and do any other thing necessary for such application of the said water.

Notice as to claims for compensation.

VII. As soon as is practicable after the publication of such notification, the Deputy Commissioner shall cause public notice to be given at convenient places, stating that the Government intends to apply the said water as aforesaid, and that claims for compensation in respect of the matters mentioned in section eight may be made before him.

Matters in respect of which compensation may be allowed.

VIII. Compensation may be allowed in respect of any of the following matters:—

(1.) Stoppage or diminution of supply of water through any natural channel to any defined artificial channel, whether above or under ground, in use at the passing of this Act:

(2.) Stoppage or diminution of supply of water to any work erected for purposes of profit on any channel, natural or artificial, in use at the passing of this Act:

(3.) Stoppage or diminution of supply of water through any natural channel which has been used for purposes of irrigation for the five years next before the passing of this Act:

(4.) Injury done in respect of any water-course or the use of any water to which any person is entitled under the law relating to the acquisition of ownership by possession.

Losses for which compensation shall not be allowed.

But no compensation shall be given for any loss caused by—

(*a*), stoppage or diminution of percolation, or floods;

(*b*), alteration of climate or soil;

(*c*), diminution of natural products;

(*d*), stoppage of navigation, of the means of drifting timber, of watering cattle, or stoppage of fisheries;

(*e*), displacement of labour, or deprivation of any accessory advantage or opportunity of profit other than those referred to in the first three clauses of this section.

None of the advantages referred to in the above clauses (*a*), (*b*), (*c*), (*d*) and (*e*) shall be deemed to be an easement.

In determining the amount of such compensation, regard shall be had to the diminution in the market-value of the property in question, occasioned by the application in respect of which compensation is demanded; and where the market-value of such property is not ascertainable, the amount of compensation to be awarded shall be reckoned at twelve times the amount of the diminution of the annual nett profits of such property, occasioned by such application.

No right to any such supply of water as is referred to in clause one, two or three of this section, in respect of a work or channel not in use at the passing of this Act, shall hereafter be acquired as against the Government except by grant or prescription.

Limitation of claims.

IX. No claim for compensation for any such stoppage or diminution shall be entertained, unless it be made within one year next after such stoppage or diminution has commenced.

Enquiry into claims and amount of compensation.

X. The Deputy Commissioner shall proceed to enquire into any such claim, and to determine the amount of compensation, if any, which should be given; and sections nine to twelve, fourteen and fifteen, eighteen to twenty-three, twenty-six to forty, fifty-one, fifty-seven, fifty-eight and fifty-nine of Act No. X of 1870 shall apply to such enquiries:

Provided that instead of the last clause of the said section twenty-six, the following shall be read: "The provisions of this section and of section eight of the Panjáb Canal and Drainage Act, 1871, shall be read to every assessor in a language which he understands before he gives his opinion as to the amount of compensation to be awarded."

Tenants may claim abatement of rent on interruption of water-supply.

XI. Every tenant holding under an unexpired lease, who is in occupation of any land at the time when any stoppage or diminution of water-supply, in respect of which compensation is allowed under section eight, takes place, may claim an abatement of the rent previously payable by him for the said land, on the ground that the interruption reduces the value of the holding.

Tenants' rents may be enhanced on restoration of water-supply.

XII. If a water-supply increasing the value of such holding is afterwards restored to the said land, the rent of any such tenant of such land may be enhanced, in respect of the increased value of such land due to the restored water-supply, to an amount not exceeding that at which it stood before the abatement.

Compensation when due.

Interest to be allowed.

XIII. All sums of money payable for compensation under this Part shall be held to be due three months after the claim for such compensation is made in respect of such stoppage or diminution; and simple interest at the rate of six per cent. per annum shall be allowed on any such sum remaining unpaid after the said three months.

PART III.

SURVEYS, CONSTRUCTION AND MAINTENANCE OF WORKS, IMPOSITION AND RECOVERY OF CHARGES.

Surveys.

Power to enter adjacent lands and survey, &c.

Power to clear land.

Power to inspect and regulate water-supply.

Notice of intended entry into houses.

XIV. Any Canal officer and any person acting under the general or special order of a Canal officer, may enter upon any lands adjacent to any canal, or through which any canal is proposed to be made, and undertake surveys or levels thereon; and dig and bore into the sub-soil; and make and set up suitable land-marks, level-marks, and water-gauges; and do all other acts necessary for the proper prosecution of any enquiry relating to any existing or projected canal under the charge of the said Canal officer; and, where otherwise such enquiry cannot be completed, may cut down and clear away any part of any standing crop, fence or jungle; and may also enter upon any land, building or water-course on account of which any water-rate is chargeable, for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated thereby or chargeable with a water-rate, and of doing all things necessary for the proper regulation and management of any such canal: Provided that, if such Canal officer or person proposes to enter into any building or enclosed court or garden attached to a dwelling house not supplied with water flowing from any canal, he must previously give the occupier of such building, court or garden at least seven days' notice in writing of his intention to do so.

Compensation for damage caused by entry.

In every case of entry under this section, such Canal officer shall, at the time of such entry, tender compensation for any damage which may be occasioned by any proceeding under this section; and in case of dispute as to the sufficiency of the amount so tendered, he shall forthwith refer the same for decision by the Deputy Commissioner, and such decision shall be final.

Entry on Lands in Case of Accidents.

Power to enter for repairs and to prevent accidents.

XV. In case of any accident happening or being apprehended to a canal, any Divisional Canal officer and any person acting under his general or special orders may enter upon any lands adjacent to such canal, and may execute all works which may be necessary for the purpose of repairing or preventing such accident.

Compensation for injury.

In every such case, such Canal officer or person shall tender compensation to the proprietors or occupiers of the said lands for all injury done to the same. If such tender is not accepted, the Canal officer shall refer the matter to the Deputy Commissioner, who shall proceed to award compensation for the land as though the Local Government had directed its occupation under section forty-three of Act No. X of 1870.

Construction and Maintenance of Works.

Application by person desiring to use canal water.

XVI. Any person or persons desiring to use the water of any canal may make an application in writing to the Divisional or Sub-Divisional Canal officer of the Division or Sub-Division of the Canal from which the water-course is to be supplied, requesting such officer to construct or improve a water-course at the cost of the applicant.

Contents of application.

The application shall state the works to be undertaken, their approximate estimated cost, or the amount which the applicant is willing to pay for the same, or whether he engages to pay the actual cost as settled by the Divisional Canal officer, and how the payment is to be made.

Liability of applicants for cost of works.

When the assent of the Superintending Canal officer is given to such application, all the persons who have signed it shall be jointly and severally liable for the cost of such works to the extent mentioned therein.

Recovery of amount due.

Any amount becoming due under the terms of such application, which is not paid to the Divisional Canal officer, or the person authorized by him to receive the same, on or before the date on which the payment becomes due, shall, on the demand of such officer, be recoverable by the Deputy Commissioner as if it were an arrear of land-revenue.

Government to provide means of crossing canals.

XVII. There shall be provided at the cost of Government suitable means of crossing canals, constructed or maintained at the cost of Government at such places as the Local Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent lands.

On an application in writing, signed by not less than five persons who are owners of such lands, to the effect that suitable crossings have not been provided on any canal, the Deputy Commissioner shall cause enquiry to be made into the circumstances of the case, and if he thinks that the allegation is established, he shall report his opinion thereon for the consideration of the Local Government, and the Local Government shall cause such measures in reference thereto to be taken as it thinks proper.

Persons using water-course to construct works for passing water across roads, &c.

XVIII. The Divisional Canal officer may issue an order to the person or persons using any water-course to construct suitable bridges, culverts, or other works for the passage of the water of such water-course across any public road, canal or drainage-channel, which was in use before the said water-course was made, or to repair any such works.

If they fail, Canal officer may construct,

Such order shall specify a reasonable period within which such construction or repairs shall be completed; and if, after the receipt of such order, the person to whom it is addressed does not, within the said period, construct or repair such works to the satisfaction of the said Canal officer, such officer may, with the previous approval of the Superintending Canal officer, himself construct or repair the same; and if the said person shall not, when required to do so, pay the cost of such construction or repairs as declared by the Divisional Canal officer, the amount shall, on the demand of the Divisional Canal officer, be recoverable from the said person by the Deputy Commissioner, as if it were an arrear of land-revenue.

and recover cost.

Adjustment of claims between persons jointly using water-course.

XIX. If any person jointly responsible with others for the construction or maintenance of a water-course, or jointly making use of a water-course with others, neglects or refuses to pay his share of the cost of such construction or maintenance, or to execute his share of any work necessary for such construction or maintenance, the Divisional or Sub-divisional Canal officer, on receiving an application from any person injured by such neglect or refusal, shall give a fortnight's notice to all the parties concerned that he is about to investigate the case ; and shall, on the expiration of that period, investigate the case accordingly, and make such order thereon as to him seems fit. Such order shall be appealable to the Commissioner, whose order shall be final.

Recovery of amount adjudged to be due.

If such order direct the payment of any sum to be made within a specified period, such sum may, if not paid within such period, be recovered by the Deputy Commissioner from the person directed to pay the same, as if it were an arrear of land-revenue.

Supply of water through intervening water-course.

XX. Whenever application is made to a Divisional Canal officer for a supply of water from a canal, and it appears to him expedient that such supply should be given and that it should be conveyed through some existing water-course, he shall give notice to the person or persons responsible for the maintenance of such water course to show cause, on a day not less than fourteen days from the date of such notice, why the said supply should not be so conveyed ; and after making enquiry on such day, the Divisional Canal officer shall determine whether and on what conditions the said supply shall be conveyed through such water-course.

When such officer determines that a supply of canal water may be conveyed through any water-course as aforesaid, his decision shall, when confirmed or modified by the Superintending Canal officer, be binding on the applicant and also on the persons responsible for the maintenance of the said water-course.

Such applicant shall not be entitled to use such water-course until he has paid the expense of any alteration of such water-course necessary in order to his being supplied through it, and also such share of the first cost of such water-course as the Divisional or Superintending Canal officer shall determine.

Such applicant shall also be liable for his share of the cost of maintenance of such water-course so long as he uses it.

Application for construction of new water-course.

XXI. Any person desiring the construction of a new water-course may apply in writing to the Divisional Canal officer, stating—

(1), that he has been unable to come to terms with the owners of the land through which such water-course will pass ;

(2), that he desires the said Canal officer, in his behalf and at his cost, to do all things necessary for acquiring a right to so much of the said land as will be necessary for such water-course ;

(3), that he is able to defray all costs involved in acquiring such land and constructing such water-course.

Procedure of Canal officer thereupon.

XXII. If the Divisional Canal officer considers—

(1), that the construction of such water course is expedient, and

(2), that the statements in the application are true,

he shall call upon the applicant to make such deposit as he considers necessary to defray the cost of the preliminary proceedings, and the amount of any compensation which he may consider likely to become due under section twenty-eight ; and upon such deposit being made, he shall cause inquiry to be made into the most suitable alignment for the said water-course, and shall mark out the land which, in his opinion, it will be necessary to occupy for the construction thereof, and shall forthwith publish a notice in every village through which the water course is proposed to be taken, that so much of such land as belongs to such village has been so marked out, and shall send a copy of such notice

to the Deputy Commissioner of every district in which any part of such land is situate.

Application for transfer of existing water-course.

XXIII. Any person desiring that an existing water course should be transferred from its present owner to himself, may apply in writing to the Divisional Canal officer, stating—

(1), that he has been unable to come to terms with the owner of such water-course;

(2), that he desires the said Canal officer, in his behalf and at his cost, to do all things necessary for the transfer to him of such water-course;

(3), that he is able to defray the cost of such transfer.

Procedure thereupon.

If the Divisional Canal officer considers—

(*a*), that the said transfer is expedient,

(*b*), that the statements in the application are true,

he shall call upon the applicant to make such deposit as he considers necessary to defray the cost of the preliminary proceedings, and the amount of any compensation that may become due under the provisions of section twenty-eight in respect of such transfer; and, upon such dep sit being made, he shall publish a notice of the application in every village, and shall send a copy of the notice to the Deputy Commissioner of every district through which such water-course passes.

Objections to construction or transfer applied for.

XXIV. Within thirty days from the publication of a notice under either of two next preceding sections, any person interested in the land or water-course to which the notice refers may apply to the Deputy Commissioner by petition, stating his objection to the construction or transfer for which application has been made. The Deputy Commissioner may either reject the petition or may proceed to inquire into the validity of the objection, giving previous notice to the Divisional Canal officer of the place and time at which such inquiry will be held.

The Deputy Commissioner shall record in writing all orders passed by him under this section and the grounds thereof.

When applicant may be placed in occupation.

XXV. If no such objection is made, or if the Deputy Commissioner overrules the objections made, he shall give notice to the Divisional Canal officer to that effect, and shall proceed forthwith to place the said applicant in occupation of land marked out or of the water-course to be transferred, as the case may be.

Procedure when objection is held valid.

XXVI. If the Deputy Commissioner considers any objection taken as aforesaid to be valid, he shall inform the Divisional Canal officer accordingly; and, if such officer sees fit, he may, in the case of an application under section twenty-one, alter the boundaries of the land so marked out, and may give fresh notice, under section twenty-two; and the procedure hereinbefore provided shall be applicable to such notice, and the Deputy Commissioner shall thereupon proceed as before provided.

Procedure when Canal officer disagrees with Deputy Commissioner.

XXVII. If the Canal officer disagrees with the Deputy Commissioner, the matter shall be referred for decision to the Commissioner. Such decision shall be final, and the Deputy Commissioner, if he is so directed by such decision, shall forthwith cause the said applicant to be placed in occupation of land so marked out or of the water-course to be transferred, as the case may be.

Expenses to be paid by applicant before receiving occupation.

XXVIII. No such applicant shall be placed in occupation of such land or water-course, until he has paid to the person named by the Deputy Commissioner such amount as the Deputy Commissioner shall determine to be due as compensation for the land or watercourse so occupied or transferred and for any damage occasioned by the marking out and occupation of such land, together with all expenses incidental to such occupation or transfer.

Procedure in fixing compensation.

In determining the compensation to be made under this section, the Deputy Commissioner shall proceed under the provisions of the Land Acquisition Act, 1870; but he may, if the person to be compensated so wish, award

such compensation in the form of a rent-charge payable in respect of the land or water-course occupied or transferred.

If such compensation and expenses are not paid when demanded by the person entitled to receive the same, the amount may be recovered by the Deputy Commissioner as if it were an arrear of land-revenue; and shall, when recovered, be paid by him to the person entitled to receive the same. Recovery of compensation and expenses.

XXIX. When any such applicant is placed in occupation of land or of a water-course as aforesaid, the following rules and conditions shall be binding on him and his representative in interest :— Conditions binding on applicant placed in occupation.

First.—All works necessary for the passage, across such water-course, of water-courses existing previous to its construction and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the neighbouring lands, shall be constructed by the applicant, and be maintained by him or his representative in interest to the satisfaction of the Divisional Canal officer.

Second.—Land occupied for a water-course under the provisions of section twenty-two shall be used only for the purpose of such water-course.

Third.—The proposed water-course shall be completed to the satisfaction of the Divisional Canal officer within one year after occupation of the land is given to the applicant.

In cases in which land is occupied or a water-course is transferred on the terms of a rent-charge.

Fourth —The applicant or his representative in interest shall, so long as he occupies such land or water-course, pay rent for the same at such rate and on such days as shall be determined by the Deputy Commissioner when occupation is given.

Fifth.—If the right to occupy the land shall cease owing to a breach of any of these rules, the liability to pay the said rent shall continue until the applicant or his representative in interest has restored the land to its original condition, or until he has paid, by way of compensation for any injury done to the said land, such amount and to such persons as the Deputy Commissioner shall determine.

Sixth.—The Deputy Commissioner may, on the application of the person entitled to receive such rent or compensation, determine the amount of rent due or assess the amount of such compensation; and if any such rent or compensation be not paid by the applicant or his representative in interest, the Deputy Commissioner may recover the amount, with interest thereon at the rate of six per cent. per annum from the date on which it became due, as if it were an arrear of land-revenue, and shall pay the same, when recovered, to the persons to whom it is due.

If any of the rules or conditions prescribed by this section is not complied with, or if any water-course constructed or transferred under this Act is disused for three years continuously, the right of the applicant, or of his representative in interest, to occupy such land or water-course, shall cease absolutely.

XXX. The procedure hereinbefore provided for the occupation of land for the construction of a water-course, shall be applicable to the occupation of land for any extension or alteration of a water-course, and for the deposit of soil from water-course clearances. Procedure applicable to occupation for extensions and alterations.

Conditions of the Supply of Water.

XXXI. In the absence of a written contract, or so far as any such contract does not extend, every supply of canal-water shall be deemed to be given at the rates and subject to the conditions prescribed by the rules to be issued by the Local Government in respect thereof. In absence of written contract, water-supply to be subject to rules.

Conditions, for contracts and rules, as to power to stop water-supply;

XXXII. Such contracts and such rules shall be consistent with the following conditions:—

(a.) The Divisional Canal officer may not stop the supply of water to any water-course, or to any person, except in the following cases:—

(1), whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority, and with the previous sanction of the Local Government;

(2), whenever and so long as any water-course is not maintained in such proper customary repair as to prevent the wasteful escape of water therefrom:

claims to compensation in case of failure or stoppage of supply;

(b.) No claim shall be made against the Government for compensation in respect of loss caused by the failure or stoppage of the water in a canal, by reason of any cause beyond the control of the Government, or of any repairs, alterations or additions to the canal, or of any measures taken for regulating the proper flow of water therein, or for maintaining the established course of irrigation which the Divisional Canal officer considers necessary; but the person who suffers such loss may claim such remission of the ordinary charges payable for the use of the water as shall be authorized by the Local Government;

claims on account of interruption from other causes;

(c.) If the supply of water to any land irrigated from a canal be interrupted otherwise than in the manner described in the last preceding clause, the occupier or owner of such land may present a petition for compensation to the Deputy Commissioner for any loss arising from such interruption, and the Deputy Commissioner may award reasonable compensation;

duration of supply;

(d) When the water of a canal is supplied for the irrigation of a single crop, the permission to use such water shall be held to endure only until that crop shall come to maturity, and to apply only to that crop; but if it be supplied for irrigating two or more crops to be raised on the same land within the year, such permission shall be held to be for one year from the commencement of the irrigation, and to apply to such crops only as are matured within that year;

sale or sub-letting of canal-water;

(e.) Unless with the permission of the Superintending Canal officer, no person entitled to use the water of any canal, or any work, building or land appertaining to any canal, shall sell or sub-let or otherwise transfer his right to such use; but all contracts made between Government and the owner or occupier of any land or other property, as to the supply of canal-water to such land or property, shall be transferable with such land or property, and shall be presumed to have been so transferred whenever a transfer of such land or property takes place:

transfer, with land, of contracts for water;

right acquired by user.

(f.) No prescriptive right to the use of the water of a canal can be acquired by user or lapse of time, nor shall Government be bound to supply any person with water except in accordance with the terms of a specific contract.

Liability to Charges.

Liability when person using unauthorizedly cannot be identified.

XXXIII. If water supplied through a water-course be used in an unauthorized manner, and if the person by whose act or neglect such use has occurred cannot be identified, the person on whose land such water has flowed, if such land has derived benefit therefrom, and if he cannot be identified, or if such land has not derived benefit therefrom, all the persons chargeable in respect of the water supplied through such water-course, shall be jointly liable to the charges made for such use.

All charges for the unauthorized use or for waste of water may be recovered in addition to any penalties incurred on account of such use or waste.

All questions under this section shall be decided by the Divisional Canal officer, and his decision shall be final, unless the Local Government shall otherwise direct.

Liability when water runs to waste.

XXXIV. If water supplied through a water-course be suffered to run to waste, and if, after enquiry by the Divisional Canal officer, the person through whose act or neglect such water was suffered to run to waste cannot be discovered, all the persons chargeable in respect of the water supplied through such water-course, shall be jointly liable for the charges made in respect of the water so wasted.

Water-rate by whom payable when charged on land held by several owners.

XXXV. Where a water-rate is charged on land held by several joint owners, it shall be payable by the manager or other person who receives the rents or profits of such land, and may be deducted by him from such rents or profits before division, or may be recovered by him from the persons liable to such rate in the manner customary in the recovery of other charges on such rents or profits.

Water-rates on Irrigated Lands.

Charge on occupier for water how determined.

XXXVI. The rates to be charged for canal-water supplied for purposes of irrigation to the occupiers of land shall be determined by the rules to be made by the Local Government, and such occupiers as accept the water shall pay for it accordingly. A rate so charged shall be called the "occupier's rate."

'Occupier's rate.'

'Owner's rate.'

XXXVII. In addition to the occupier's rate, a rate to be called the "owner's rate" may be imposed on the owners of canal-irrigated lands, in respect of the benefit which they derive from such irrigation.

Effect of introduction of canal irrigation on landlord's right to enhance rent.

The introduction of canal irrigation into any land shall have the same effect on the landlord's right to re-enhance the rent of a tenant with a right of occupancy of such land, as if a general revision of settlement had taken place, under which the revenue payable in respect of such land had been increased.

Amount of owner's rate.

XXXVIII. The owner's rate shall not exceed one half of the increase produced by the canal-irrigation in the nett annual value of the land in respect of which it is imposed.

When occupier is to pay both owner's rate and occupier's rate.

XXXIX. If such land is occupied by the owner, or if it is occupied by a tenant whose rent is not liable to enhancement on the ground that the value of the produce of the land or the productive powers of the land have been increased by irrigation, such owner or occupier shall pay the owner's rate as well as the occupier's rate.

Local Government to make rules for apportioning owner's rate.

XL. In the case of a tenant with a right of occupancy, the Local Government shall make rules for dividing the owner's rate between the landlord and such tenant, proportionately to the extent of the beneficial interest of each.

When owner is to pay owner's rate.

XLI. If the owner of the land is not the occupier, but has power to enhance the rent of the occupier on the ground that the value of the produce or the productive powers of the land have been increased by irrigation, or if, when the amount of rent was fixed, the land was irrigated from the canal, the owner shall pay the owner's rate.

Reduction to be made in land-revenue assessed at canal-irrigation rates before owner's rate is charged.

XLII. No owner's rate shall be chargeable either on the owner or occupier of land assessed to pay land-revenue at canal-irrigation rates, unless a reduction has been made in such land-revenue equal to the amount by which it has been increased on account of the canal-irrigation of the land.

Provided that the owner's rate shall in no case, during the currency of an unexpired settlement, exceed the amount by which such land-revenue was so reduced.

Deduction from rent of tenant paying owner's rate.

XLIII. A tenant not liable to enhancement of rent on the ground stated in section forty-one, who is charged with, and pays, the owner's rate on land assessed at canal-irrigation rates, may deduct from

his rent a sum equal to any sum which may, under the last section, be deducted from the revenue payable by the owner of the land.

Water-rate on Lands irrigable, but not irrigated.

Special rate on irrigable land.

XLIV. At any time not less than five years after the commencement of irrigation from any canal, the Local Government may order an inquiry to be made by an officer appointed for that purpose into the condition of such canal and the irrigation therefrom. If, upon the report of such officer, the Local Government is satisfied that the owners or occupiers of lands irrigable by such canal have not made reasonable use of the canal for purposes of irrigation, the Local Government may, with the previous sanction of the Governor General in Council, issue a notification in the official *Gazette* declaring that the owners of such lands, within local limits to be specified in the notification, shall be charged with a special rate according to the provisions hereinafter contained.

Levy of special rate.

XLV. Such special rate shall be levied yearly or half-yearly as the Local Government shall direct.

Limit on rate.

XLVI. No such special rate shall exceed one rupee per half-year per acre of land in respect of which the rate is charged.

Bar of special rate in case of failure to supply sufficient water.

XLVII. No such special rate shall be charged in respect of any land, if during the year or half-year (as the case may be) in respect to which such yearly or half-yearly rate might otherwise be claimed, water sufficient for the irrigation of such land has not been supplied when required by the owner or occupier thereof.

'Irrigable lands' defined.

XLVIII. For the purposes of section forty-four land shall be deemed irrigable by a canal when the following conditions are complied with in respect thereto:—

(*a.*)—That it is cultivated and not irrigated;

(*b*)—That the nett annual value of the produce of the land or the productive powers thereof will be increased by the irrigation thereof by canal-water, after deducting all necessary charges incurred in cultivating the same, conveying the water thereto, and paying all Government charges in respect of such irrigation;

(*c.*)—That the Divisional Canal officer shall have tendered to the occupier or owner thereof a supply of canal-water sufficient for the irrigation thereof in the manner customary in the irrigation of land from a canal;

(*d.*)—That the Divisional Canal officer shall have offered to the said occupier or owner to construct the works necessary for conveying the water to the said land, under section sixteen, or (if the said occupier or owner shall so prefer) to apply the provisions of sections twenty-one, twenty-two and twenty-three for the construction or transfer of a water-course, or shall have tendered an advance of money sufficent to provide for the construction of the said works; such advance to be re-payable in conformity with the rules for recovering advances made under the Act for the time being in force as to advances for improvements in land.

If any question shall arise whether the said conditions are complied with in respect of any land, it shall be determined in the same manner as suits relating to rent under the law for the time being in force.

Provisions relating to owner's rate applied to special rate.

XLIX. The provisions of sections thirty-one, forty and forty-one shall apply to the payment of a special rate charged under section forty-four, as though such rate had been an owner's rate.

Water-rate on Land benefited by Percolation.

Rate on land adjacent to canal, indirectly benefited.

L. If it shall appear to the Divisional Canal officer that any cultivated land situate within three hundred yards of the edge of any artificial canal maintained by Government, receives by percolation from such canal an advantage equivalent to that which would be given by a direct supply of canal-water for irrigation, he may charge on such land a water-rate not

exceeding that which would ordinarily have been charged for such a supply to land similarly cultivated.

For the purposes of this Act, land charged under this section shall be deemed to be land irrigated from a canal.

Recovery of Charges

Certified dues recoverable as land-revenue.

LI. Any sum, certified by the Divisional Canal officer to be lawfully due under this Act, which remains unpaid after the day on which the same becomes due, shall be recoverable by the Deputy Commissioner from the person liable for the same as though it were an arrear of land-revenue.

Power to contract for collection of canal-dues.

LII. The Divisional Canal officer or the Deputy Commissioner may enter into an agreement with any person for the collection and payment to the Government by such person of any sum payable under this Act by a third party.

When such agreement has been made, such person may recover such sum by suit as though it were a debt due to him, or an arrear of rent due to him on account of the land, work or building in respect of which such sum is payable, or for or in which the canal-water shall have been supplied or used.

If such person shall make default in the payment of any sum collected by him under this section, such sum may be recovered from him by the Deputy Commissioner under section fifty-one; and if such sum or any part of it be still due by such third party, then such sum or such part of it may be recovered in like manner by the Deputy Commissioner from such third party.

Lambardárs may be required to collect canal-dues.

LIII. The Deputy Commissioner may require the lambardár or person under engagement to pay the land-revenue of any estate, to collect and pay any sums payable under this Act by a third party, in respect of any land or water in such estate.

PART IV.

Navigation.

Detainer of vessels violating rules.

LIV. Any vessel which enters or navigates any canal contrary to the rules made in that behalf by the Local Government, or so as to cause danger to the canal or the vessels therein, may be removed and detained by the Divisional Canal officer, or by any person duly authorized in that behalf.

Liability of owners of vessels causing damage.

The owner of any vessel causing damage to a canal, or removed or detained under this section, shall be liable to pay to the Government such sum as the Divisional Canal officer shall, with the approval of the Superintending Canal officer, determine to be necessary to defray the expenses of repairing such damage, or of such removal or detention, as the case may be.

Recovery of fines for offences in navigating canals.

LV. A fine imposed under the provisions of this Act upon the owner of any vessel, or the servant or agent of such owner, or other person in charge of any vessel, for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the Code of Criminal Procedure, or, if the Magistrate imposing the fine shall so direct as though it were a charge due on account of such vessel.

Power to seize and detain vessel on failure to pay charges.

LVI. If any charge due under the provisions of this Part in respect of any vessel is not paid on demand to the person authorized to collect the same, the Divisional Canal officer may seize and detain such vessel and the furniture thereof, until the charge due, together with all expenses and additional charges arising from such seizure and detention, are paid in full.

Power to seize cargo or goods, if charges due thereon are not paid.

LVII. If any charge due under the provisions of this Part in respect of any cargo or goods carried in a Government vessel on a canal, or stored on or in canal-lands or warehouses, is not paid on demand to the person authorized to collect the same, the Divisional Canal officer may seize such

cargo or goods and detain them until the charge so due, together with all expenses and additional charges arising from such seizure and detention, be paid in full.

Procedure for recovery of such charges after seizure.

LVIII. Within a reasonable time after any such seizure as is described in the two last preceding sections, the said Canal officer shall give notice to the owner or person in charge of the property seized that it or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than fifteen days from the date of the notice, be sold in satisfaction of the claim on account of which such property was seized, unless the claim be discharged before the day so named;

And if such claim be not so discharged, the said Canal officer may, on such day, sell the property seized, or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale:

Provided that no greater part of the furniture of any vessel or of any cargo or goods shall be so sold than shall, as near as may be, suffice to cover the amount due in respect of such vessel, cargo or goods.

The residue of such furniture, cargo or goods, and of the proceeds of the sale, shall be made over to the owner or person in charge of the same.

Procedure in respect of vessels abandoned and goods unclaimed.

LIX. If any vessel be found abandoned in a canal, or any cargo or goods carried in a Government vessel on a canal or stored on or in canal-lands or warehouses be left unclaimed for a period of two months, the Divisional Canal officer may take possession of the same. A Divisional officer so taking possession may publish a notice that, if such vessel and its contents, or such cargo or goods, are not claimed previously to a day to be named in the notice, not sooner than thirty days from the date of such notice, he will sell the same; and, if such vessel or cargo be not so claimed, he may at any time after the day named in the notice proceed to sell the same.

Disposal of proceeds of sale.

The said vessel and its contents, and the said cargo or goods, if unsold, or, if a sale has taken place, the proceeds of the sale, after paying all tolls, charges and expenses incurred by the Canal officer on account of the taking possession and sale, shall be made over to the owner of the same, when his ownership is established to the satisfaction of the Divisional Canal officer. If the Divisional Canal officer is doubtful to whom such property or proceeds of such sale should be made over, he may direct the property to be sold as aforesaid, and the proceeds of the sale to be paid into the district treasury, there to be held until the right thereto be decided by a Court of competent jurisdiction.

PART V.

Drainage.

Removal of Obstructions of Drainage-channels.

Power to prohibit obstructions or order their removal.

LX. Whenever it appears to the Local Government that injury to any land or the public health or public convenience has arisen or may arise from the obstruction of any river, stream or drainage-channel, such Government may, by notification in the official *Gazette*, prohibit, within limits to be defined in such notification, the formation of any obstruction, or may, within such limits, order the removal or other alteration of such obstruction. And thereupon, so much of the said river, stream, or drainage-channel as shall be comprised within such limits, shall be held to be a drainage-work as defined in this Act.

Power to remove obstructions after prohibition.

LXI. The Divisional Canal officer, or other person authorized by the Local Government in that behalf, may, after the publication of such notification, issue an order to the person causing or having control over any such obstruction to remove or alter the same.

If, within a time to be fixed in the order, such person shall not remove or alter such obstruction, the said Canal officer may himself remove or alter it; and if the person to whom the order was issued shall not, when called upon, pay the expenses involved in such removal or alteration, such expenses shall be recoverable from him or his representative as an arrear of land-revenue.

Improvement of Drainage of Lands.

Preparation of schemes for works of improvement.

LXII. Whenever it appears to the Local Government that any drainage-works are necessary for the improvement of any lands, or for the proper cultivation or irrigation thereof, or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands, such Local Government may cause a scheme for such drainage-works to be drawn up and published, together with an estimate of its cost and a statement of the proportion of such cost which the Government proposes to defray, and a schedule of the lands which it is proposed to make chargeable in respect of the scheme.

Powers of persons employed on such schemes.

LXIII. The persons authorized by Government to draw up such scheme may exercise all or any of the powers conferred on Canal officers by section fourteen of this Act.

Rate on lands benefited by works.

LXIV. An annual rate, in respect of such scheme, may be charged on the owners of all lands which shall, in the manner hereinafter provided, be determined to be so chargeable.

Such rate shall be fixed as nearly as possible so as not to exceed either of the following limits:—

(1.) Six per cent. per annum on the first cost of the said works, adding thereto the estimated cost of the annual maintenance and supervision of the same, and deducting therefrom the estimated income, if any, derived from the works, excluding the said rate.

(2.) In the case of agricultural land, one-half of the estimated increase to the annual value of the land, due to the improvement to be effected by the works.

Such rate may be varied from time to time within such maximum by the said Government.

So far as any defect to be remedied is due to any canal, water-course, road or other work or obstruction, constructed or caused by the Government or any person, a proportionate share of the cost of the drainage-works required for the remedy of the said defect shall be borne by the Government or such person.

Recovery of rate.

LXV. Any such drainage-rate shall be recoverable as a water-rate.

Disposal of claims to compensation.

LXVI. Whenever, in pursuance of a notification made under section sixty, any obstruction is removed, or whenever any drainage-work is carried out under section sixty-two, all claims for compensation on account of any loss consequent on the removal of the said obstruction or construction of such work, may be made before the Deputy Commissioner, and he shall deal with the same in the manner provided in section ten.

Limitation of such claims.

LXVII. No such claim shall be entertained unless it be made within one year next after the commencement of the loss complained of.

PART VI.

Obtaining Labour for Canals and Drainage-works.

Definition of "labourer."

LXVIII. For the purposes referred to in this Part, the word "labourer" includes persons who exercise any handicraftt which shall be specified in rules to be made in that behalf by the Local Government.

Power to prescribe number of labourers to be supplied by persons benefited by canal or drainage-work.

LXIX. In any district in which a canal or drainage-work is projected, constructed or maintained by Government, the Local Government may, if it thinks fit, direct the Deputy Commissioner to ascertain the proprietors, sub-proprietors or farmers, whose villages or estates are or will be, in the judgment of the Deputy Commissioner, benefited by such canal or drainage-work,

and to set down in a list, having due regard to the circumstances, of the district and of the several proprietors, sub-proprietors or farmers, the number of labourers which shall be furnished by any of the said persons, jointly or severally, from any such village or estate, for employment on any such canal or drainage-work when required as hereinafter provided.

The Deputy Commissioner may, from time to time, add to or alter such list or any part thereof.

Procedure for obtaining labourers for works urgently required.

LXX. When it appears to a Divisional Canal officer duly authorized by the Local Government, that, unless some work is immediately executed, serious injury will happen to any canal or drainage-work, whereby the proper operation of such canal or drainage-work will be stopped, or so much interfered with as to prevent the established course of irrigation or drainage being continued, or to cause sudden and extensive public injury, and that the labourers necessary for the proper execution thereof cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work so as to avoid such consequences, the said officer may require any person named in such list to furnish so many labourers (not exceeding the number which, according to the said list, he is liable to supply) as to the said officer seems necessary for the immediate execution of such work.

Every requisition so made shall be in writing, and shall state the nature and locality of the work to be done, the number of labourers to be supplied by the person upon whom the requisition is made, the approximate time for which and the day on which the labourers will be required; and a copy thereof shall be immediately sent to the Superintending Canal officer for the information of the Local Government.

The rates to be paid to any such labourers, in excess of the highest rates paid in the neighbourhood for similar work, shall be fixed by the Local Government, and the payment shall extend to the whole period during which any such labourer is absent from his ordinary home.

The Local Government may direct that the provisions of this Part shall be applicable to any district or part of a district for the purpose of effecting necessary annual silt clearances.

Liability of labourers under requisition.

LXXI. When any requisition has been made on any such person, every labourer ordinarily resident within the village or estate of such person shall be liable to supply, and to continue to supply, his labour, for the purposes aforesaid.

PART VII.

Jurisdiction.

Decision of Differences regarding Water-courses.

Jurisdiction of Civil Courts.

LXXII. Unless where otherwise provided, all claims against Government in respect of anything done under this Act may be tried by the Civil Courts, but no such Court shall in any case pass an order as to the supply of canal-water to any crop sown or growing at the time of such order.

Settlement of differences in regard to mutual rights and liabilities of persons interested in water-course.

LXXIII. Whenever a difference arises between any persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, any such person may present an application in writing to the Divisional Canal officer stating the matter in dispute; and such officer shall thereupon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to inquire into the said matter. And after such inquiry the said officer shall pass his order thereon, unless he transfers the matter to the Deputy Commissioner, who shall thereupon enquire into and pass his order on the said matter.

Such order shall be final as to the use or distribution of water for any crop sown or growing at the time when such order is made, and shall thereafter remain in force until set aside by the decree of a Civil Court.

Powers, as to witnesses, of officers conducting inquiry under Act.

LXXIV. Any officer empowered under this Act to conduct any inquiry may exercise all such powers, connected with the summoning and examining of witnesses, as are conferred on Civil Courts by the Code of Civil Procedure; and every such inquiry shall be deemed a judicial proceeding.

PART VIII.

OFFENCES AND PENALTIES.

Offences under Act.

LXXV. Whoever without proper authority and voluntarily does any of the acts following, that is to say,—

(1), injures, alters, enlarges or obstructs any canal or drainage-work;

(2), interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under, any canal or drainage-work;

(3), interferes with or alters the flow of water in any river or stream, so as to endanger, injure, or render less useful any canal or drainage work;

(4), being responsible for the maintenance of or using a water-course, neglects to take proper precautions for the prevention of waste of the water in such water-course, or interferes with the authorized distribution of the water therefrom, or uses such water in an unauthorized manner;

(5), corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;

(6), causes any vessel to enter or navigate any canal contrary to the authorized rules laid down for entering or navigating such canal;

(7), while navigating on any canal, neglects to take proper precautions for the safety of the canal and of vessels thereon;

(8), being liable to furnish labourers under Part VI fails, without reasonable cause, to supply or to assist in supplying the labourers required of him;

(9), being a labourer liable to supply his labour under Part VI, neglects without reasonable cause, so to supply, and to continue to supply, his labour;

(10), destroys or moves any level-mark or water-guage fixed by the authority of a public servant;

(11), violates any rule made under this Act, for breach whereof a penalty may be incurred,

Penalty.

shall be liable, on conviction before any Magistrate, to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

Saving of prosecution under other laws.

LXXVI. Nothing contained herein shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: Provided that no person shall be punished twice for the same offence.

Compensation to person injured.

LXXVII. Whenever any person is fined for an offence under this Act, the Magistrate may direct that any part of such fine may be paid to the person who has suffered by such offence, by way of compensation.

Power to arrest without warrant in certain cases.

LXXVIII. Any person in charge of or employed upon any canal or drainage-work, may remove from the lands or buildings belonging to such canal or drainage-work, or may take into custody without a warrant and take forthwith before a Magistrate or to the nearest Police station, to be dealt with according to law, any person who, within his view, commits any of the following offences:—

(1), wilfully injures or obstructs any canal or drainage-work;

(2), without proper authority interferes with the supply or flow of water in or from any canal or drainage-work, or in any river or stream, so as to endanger, injure or render less useful any canal or drainage-work;

(3), passes or causes animals or vehicles to pass on or across any of the works, banks or channels of a canal or drainage-work, contrary to authorized rules, after he has been desired to desist therefrom.

Power to make rules.

LXXIX. The Local Government may, with the previous sanction of the Governor General in Council, make, and may, with the like sanction, from time to time, alter or cancel rules to regulate the following matters:—

(1), the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(2), the cases in which, and the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable;

(3), the persons by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Act, shall be done;

(4), the amount of any charge made under this Act;

(5), and generally to carry out the provisions of this Act.

Such rules, alterations or cancelments shall, when published in the official *Gazette*, have the force of law.

SCHEDULE.

Number and year.	Title.	Extent of repeal.
VII of 1845 ...	An Act for regulating the levy of Water Rent, Tolls and Dues on certain canals for irrigation and navigation, constructed by Government in the North-Western Provinces, and for the protection of the said canals from injury.	The whole so far as it affects the Panjáb.
XII of 1866 ...	An Act to provide for the compulsory taking of rights to form and maintain private water-courses from Public Works of irrigation.	The whole so far as it affects the Panjáb.

ACT No. XXXI of 1871.

(*Received the assent of the Governor General on the 30th October* 1871.)

THE INDIAN WEIGHTS AND MEASURES OF CAPACITY ACT, 1871.

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Preamble.

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AN ACT TO REGULATE THE WEIGHTS AND MEASURES OF CAPACITY OF BRITISH INDIA.

Preamble.

WHEREAS it is expedient to provide for the ultimate adoption of an uniform system of Weights and Measures of Capacity throughout British India; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title. Local extent.

I. This Act may be called "The Indian Weights and Measures of Capacity Act, 1871," and extends to the whole of British India.

II.—STANDARDS.

Standard of Weight.

II. The primary Standard of Weight shall be called a Ser, and shall be a Weight of metal in the possession of the Government of India, equal, when weighed in a vacuum, to the weight known in France as the Kilogramme des Archives.

Units of Weights and Measures of Capacity.

III. The Units of Weight and of Measures of Capacity shall be—for Weights, the said Ser; for Measures of Capacity, a measure containing one such Ser of water at its maximum density, weighed in a vacuum.

Special Weights and Measures of Capacity may be authorized.

IV. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare the magnitude and denominations of the Weights and Measures of Capacity, other than the said units, to be authorized under this Act: Provided that every such Weight or Measure of Capacity shall be an integral multiple or integral sub-multiple of one of the units aforesaid.

The Governor General in Council may, in like manner, revoke such notification.

Unless it be otherwise ordered in any such notification, the sub-divisions of all such Weights and Measures of Capacity shall be expressed in decimal parts.

Districts how defined.

V. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define the limits of districts for the purposes of this Act.

Sub-districts how defined.

The Local Government may, from time to time, by notification in the official *Gazette*, define the limits of sub-districts for the purposes of this Act.

Primary standards to be provided.

VI. The Governor General in Council may provide, for such districts as he thinks fit, proper primary standards and sets of the said authorized Weights and Measures of Capacity.

Such standards shall, for the purposes of this Act, be deemed the standards for such districts.

Local standards to be provided.

VII. The Local Government may provide, for such sub-districts as it thinks fit, copies of such of the said authorized Weights and Measures of Capacity as shall be necessary to serve as local standards in such sub-districts.

Such local standards shall be deemed correct, until they are proved to be otherwise.

III.—Use of new Weights and Measures of Capacity.

Use of new Weights and Measures of Capacity in Government Offices, &c.

VIII. Whenever the Governor General in Council considers that proper standard Weights and Measures of Capacity have been made available for the verification of the Weights and Measures of Capacity to be used by any Government Office or Municipal Body or Railway Company, the Governor General in Council may, by notification in the *Gazette of India*, direct that, after a date to be fixed therein, all or any of the Weights and Measures of Capacity authorised as aforesaid shall be used in dealings and contracts by such Office, Body or Company; and may, in like manner, from time to time, alter or revoke such direction.

Contracts by Weight or Measure of Capacity.

IX. After the date fixed in any notification under section eight, all dealings and contracts had and made by the Officers, Bodies or Companies, mentioned in such notification, for any work to be done, or goods to be sold or delivered by Weight or Measure of Capacity, shall, in the absence of a special agreement to the contrary, be deemed to be had and made according to the Weights or Measures of Capacity directed in such notification to be used by such Officers, Bodies or Companies.

*IV.—Wardens.

Appointment of Wardens.

X. The Governor General in Council and the Local Government, respectively, shall appoint Wardens for the custody of the primary and local standards and sets of authorized Weights and Measures of Capacity hereinbefore mentioned.

The Governor General in Council, or the Local Government, respectively, may, at any time, suspend or remove any such Warden and appoint another.

Power to make rules.

XI. The Governor General in Council may, from time to time, make rules consistent with this Act for regulating the following matters:—

(*a*)—The appointment of Wardens;

(*b*)—The guidance of Wardens in all matters connected with the performance of their duties;

(*c*)—The provision, replacement, custody and use of the standards;

(*d*)—The method of verifying local standards and Weights, Weighing, Machines and Measures of Capacity authorized under this Act, and Balances, and of certifying such verification; provided that such verification shall not be required to be made oftener than once in two years;

(*e*)—The errors which may be tolerated in Weights, Weighing Machines and Measures of Capacity authorized under this Act, and in Balances;

(*f*)—The shapes, proportions and dimensions to be given to Weights, Weighing Machines and Measures of Capacity authorized under this Act, and to Balances, and the materials of which they may be made;

(*g*)—Marking Weights and Measures of Capacity authorized under this Act with their several denominations;

(*h*)—The conditions under which Government Offices, Municipal Bodies and Railway Companies, shall be subject to inspection and verification of the Weights, Weighing Machines and Measures of Capacity authorized under this Act, and of the Balances used by them;

(*i*)—The fees to be paid for verifying, correcting and certifying the verification of Weights, Weighing Machines and Measures of Capacity authorized under this Act, and of Balances.

Publication of rules.

XII. Such rules shall be published in the *Gazette of India*.

Rules, when specially applied, to have force of law.

And the Governor General in Council may, by notification in the *Gazette of India*, declare that from and after a day to be named therein, all or any of the said rules shall come into force in respect of any Government Office, Municipal Body or Railway Company, and thereupon, to the extent specified in such notification, such rules or rule shall have the force of law.

XIII. All officers of Government, municipal officers, and officers and servants of Railway Companies, shall comply with such rules so far as they concern them, and pay such fees as the said rules shall prescribe. Officers of Government and others to comply with rules.

XIV. The Warden may deface, or render incapable of use, or refuse to verify, correct, or mark, anything brought to him for verification or correction which appears to him unfit for verification or correction. Warden may refuse to verify or correct things unfit.

XV. Any of the powers and duties conferred and imposed by this Act on a Warden may be exercised and performed by any other officer whom the Local Government may, from time to time, appoint. Exercise of any of Warden's powers.

XVI. Whoever knowingly counterfeits any mark used by a Warden under section eleven, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine. Counterfeiting Warden's marks.

XVII. The Local Government may, from time to time, prepare tables of the equivalents of Weights and Measures of Capacity, other than those authorized under this Act, in terms of the Weights and Measures of Capacity so authorized, and the equivalents so stated, after notification in the local official *Gazette*, shall be deemed the true equivalents. Tables of equivalents.

ACT NO. XXXII OF 1871.

(*Received the assent of the Governor General on the 30th October* 1871.)

THE OUDH CIVIL COURTS' ACT, 1871.

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An Act to consolidate and amend the Law relating to the Civil Courts in Oudh.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to the Civil Courts in Oudh;

It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title.

I. This Act may be called "The Oudh Civil Courts' Act, 1871;"

Extent of Act.

It applies to all Civil Courts in Oudh, except Small Cause Courts;

Commencement.

And shall come into force on the date of the passing thereof.

But all suits, appeals, applications or proceedings instituted previous to such date shall be heard and disposed of by the Courts in which they were instituted.

'Division' defined.

II. In this Act—

'Division' means the local jurisdiction of the Court of the Commissioner.

Repeal of enactments.

III. The Acts and orders mentioned in the schedule hereto annexed are repealed to the extent specified in the third column of such schedule, except as to the suits, appeals, applications or proceedings mentioned in section one.

CHAPTER II.

Constitution of Civil Courts.

Grades of Courts in Oudh.

IV. There shall be five grades of Courts in Oudh, namely:—

(1)—The Court of the Tahsildar;

(2)—The Court of the Assistant Commissioner or Extra Assistant Commissioner;

(3)—The Court of the Deputy Commissioner or of the Civil Judge of Lucknow;

(4)—The Court of the Commissioner;

(5)—The Court of the Judicial Commissioner.

Power to fix number of Courts.

V. The Governor General in Council shall fix, and may from time to time vary, the number of Courts of each grade to be established under this Act.

Appointment of officers.

VI. The Judicial Commissioner, Commissioners, Deputy Commissioners, Civil Judge of Lucknow and Assistant Commissioners shall be appointed by the Governor General in Council.

The Extra Assistant Commissioners and Tahsildars shall be appointed by the Chief Commissioner.

Confirmation of existing Courts and officers.

VII. All existing Courts corresponding to the grades mentioned in section four and the presiding officers thereof shall be deemed to have been respectively established and appointed under this Act.

Control over subordinate Courts.

VIII. The general control over all the Courts of the first and second grades in any District is vested in the Deputy Commissioner, and the like control over the said Courts and of the Courts of the third grade in any Division is vested in the Commissioner, subject to the superintendence of the Judicial Commissioner.

Courts to be Civil Courts under Civil Procedure Code.

IX. Every Court under this Act shall—

(1), be a "Civil Court" within the meaning of the Code of Civil Procedure;

Seal to be used.

(2), use a seal of such form and dimensions as are for the time being prescribed by the Chief Commissioner; and

Place for holding Court.

(3), be held at such place or places as may be from time to time directed by the Chief Commissioner.

CHAPTER III.

JURISDICTION.

Power to fix local jurisdiction of Courts.

X. The Chief Commissioner shall, with the previous sanction of the Governor General in Council, fix, and may from time to time vary, the local limits of the jurisdiction of any Civil Court under this Act.

Existing local jurisdiction preserved.

The present local limits of the jurisdiction of every Civil Court shall be deemed to be fixed under this Act.

Original Jurisdiction.

Extent of ordinary jurisdiction.

XI. The Courts mentioned in the first column of the subjoined table shall ordinarily have jurisdiction in the adjudication of suits of every description arising within their local jurisdiction to the extent specified in the second column thereof: Provided that no suit cognizable by a Court of Small Causes shall, within the local limits of the jurisdiction of any such Court, be heard or determined by any other Court.

(1.) The Tahsildar.	(1.) When the amount or value of the subject-matter of the suit does not exceed one hundred rupees.
(2.) The Assistant Commissioner or Extra Assistant Commissioner.	(2.) When such amount or value does not exceed five hundred rupees.
(3.) The Deputy Commissioner or the Civil Judge of Lucknow.	(3.) Whatever be the amount or value of the subject-matter of the suit.

Power to extend jurisdiction of certain officers.

But the Chief Commissioner may invest any Tahsildar with power to try suits of which the amount or value of the subject-matter does not exceed five hundred rupees, and may also empower any Assistant Commissioner or Extra Assistant Commissioner to try suits of which the amount or value of the subject-matter does not exceed five thousand rupees.

Orders conferring extended jurisdiction to have force of law.

All orders of the Chief Commissioner investing any Tahsildar, Assistant Commissioner or Extra Assistant Commissioner with such extended jurisdiction shall be duly notified in the local official *Gazette*, and shall thereupon have the same force and effect as if the said jurisdiction have been expressly conferred by this Act upon the Courts presided over by the officers so invested.

Distribution of business by Deputy Commissioner.

XII. The Court of the Deputy Commissioner shall be deemed to be the principal Civil Court of original jurisdiction in any district, and he may direct the business in the Courts of the first and second grades to be distributed among such Courts in such way as he shall think fit: Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Power of Commissioner to withdraw suits from subordinate Courts.

XIII. The Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such Court competent in respect of the value or amount of the suit to try the same.

Modification of section 12, Act VIII of 1859.

XIV. Section twelve of Act VIII of 1859 shall be read, as regards the trial of suits in Oudh, subject to the following modification, namely:

(1.) When the suit is for, moveable property situate within the local jurisdiction of different District Courts included in the same division, the application for authority to proceed with the suit shall be made to the Commissioner of such division.

(2.) When the said Courts belong to different divisions, the application shall be made to the Commissioner of the division in which the district wherein the suit was instituted is included.

Appellate Jurisdiction.

Appeals.

XV. (1.)—Appeals from the decrees and orders in original suits and proceedings of the Courts of the first and second grades shall, when such appeals are allowed by law, ordinarily lie to the Deputy Commissioner. But where the amount or value of the subject-matter of any such suit or proceeding exceeds one thousand rupees, the appeal shall lie to the Commissioner.

(2) Appeals from such decrees and orders of the Court of the Deputy Commissioner, when such appeals are allowed by law, shall lie to the Commissioner.

(3.)—An appeal from any such decree or order passed by the Commissioner shall, when such appeal is allowed by law, lie to the Judicial Commissioner, whose Court shall be deemed to be the highest Court of Appeal.

Power of Commissioner to withdraw appeals.

XVI. The Commissioner may withdraw any appeal instituted in the Court of any Deputy Commissioner subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Deputy Commissioner in his division.

When Judicial Commissioner may receive second appeal.

XVII. If the decision of a Deputy Commissioner or a Commissioner passed in appeal, reverse or modify the decision of the Court of original jurisdiction, the Judicial Commissioner may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Courts, a further consideration of the case appears to him to be requisite for the ends of justice.

Decision of first appellate Court when final.

XVIII. If the Court of first appeal confirms the decision of the Court of first instance, such decision shall be final:

Reference to Judicial Commissioner.

Provided that where, in the trial of any appeal such appellate Court entertains any doubt in regard to a question of law or usage having the force of law, or as to the construction of a document affecting the merits of the decision, the Court may, either of its own motion or on the application of any of the parties to the case, draw up a statement of the case,

and refer it, with the Court's own opinion, for the decision of the Judicial Commissioner.

Procedure on such reference.

XIX. The Judicial Commissioner, after hearing and considering the case so referred, shall send a copy of his judgment to the Court by which the reference was made, and such Court shall, on the receipt of the copy, proceed to dispose of the case in conformity with the decision of the Judicial Commissioner.

Costs of reference.

XX. Costs, if any, consequent on the reference of the case to the Judicial Commissioner, shall be costs in the appeal out of which the reference arose.

Time for presenting appeal to Commissioner.

XXI. The memorandum of appeal must, when the appeal lies to the Commissioner, be presented within six weeks, the period being reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of such decision or order; and, in all other cases, within the periods fixed by the law of limitation relating to the presentation of appeals for the time being in force.

In other cases.

Appointment of Extra Judicial Commissioner.

XXII. Whenever the state of business in the Court of the Judicial Commissioner is such that he cannot dispose of the same with reasonable dispatch, he may cause a list of the appeals pending in his Court to be prepared and sent to the Chief Commissioner, and such Chief Commissioner, with the sanction of the Governor General in Council, may, if he think fit, appoint a Commissioner to be an Additional Judicial Commissioner for the disposal of such appeals or any of them.

Reference to High Court, North-Western Provinces.

XXIII. When the Judicial Commissioner entertains any doubt as to the decision to be passed on any appeal under this Act, he may make a reference to the High Court of the North-Western Provinces of the Presidency of Bengal, and shall transmit the record of the case referred, and all the proceedings connected therewith, to the said Court.

Procedure of High Court thereupon.

XXIV. The High Court shall, with as little delay as possible, proceed to try the case referred as if it were an appeal instituted in such Court, and shall send a copy of its judgment to the Judicial Commissioner, who shall dispose of the case in conformity therewith.

Section 20 to apply to reference to High Court.

XXV. The provisions of section twenty, as to the adjustment of costs, shall apply to cases referred under the last preceding section.

Special Jurisdiction.

Power to invest settlement officers with powers of Civil Courts in certain cases.

XXVI. In any district in which a settlement of the land-revenue is in progress, the Chief Commissioner, with the sanction of the Governor General in Council, may invest any officer making or controlling such settlement with all or any of the powers of Civil Courts of the first, second, third or fourth grades, for the purpose of trying suits and appeals relating to land assessed to revenue, or the rent, revenue or produce of such land, arising in such district.

Exclusion of jurisdiction of Civil Courts in district under settlement.

Any district in which such officers have been so invested shall, for the purposes of this section, be deemed to be under settlement until such time as the Governor General in Council shall otherwise direct; and the jurisdiction of the ordinary Civil Courts of those grades shall be excluded in respect of such suits and appeals during that period:

Power to transfer cases from settlement officers, to Civil Courts.

Provided that the Chief Commissioner may direct that any cases pending before the settlement officers invested with the powers mentioned in the former part of this section shall be transferred to the ordinary Civil Courts of the district if the state of business in his opinion requires it.

Trial of suit relating to land and to other property.

XXVII. If, before any officer so invested, a suit relating both to such land and other property be instituted, the said officer shall make a reference regarding the disposal of such suit to the Commissioner of the division in

which the district wherein the suit was instituted is included, who shall determine by what Court the suit shall be tried.

Limitation law not to apply to certain suits relating to tenures.

XXVIII. No suit relating to any tenure which shall be cognizable by the Court of any settlement officer under this Act shall be barred under the law for the time being in force relating to the limitation of suits, if the cause of action arose on or after the thirteenth day of February 1844.

Bar of redemption-suits when mortgage executed before 13th February 1844.

XXIX. When a mortgagee shall, under or by virtue of a mortgage executed before the said day, have obtained possession of any land comprised in his mortgage, the mortgagor or any person claiming through him shall not bring a suit to redeem the mortgage of such land, any subsequent acknowledgment of the title or right to redeem of the mortgagor, or of any person claiming through him, notwithstanding.

Redemption-suits not barred where fixed term for redemption had not expired before 13th February 1856.

XXX Nothing herein contained shall be taken to bar a suit for redemption in any case where, by the instrument of mortgage, a term was fixed within which the property comprised therein might be redeemed, and such term had not expired before the thirteenth day of February 1856: Provided that, if any such term had expired before that day, the suit shall be barred, whatever may have been the date on which the instrument was executed.

CHAPTER IV.

MISCELLANEOUS.

Certain decisions to be according to Native law.

XXXI. Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in cases where the parties are Muhammadans, and the Hindu law in cases where the parties are Hindus, shall form the rule of decision, except in so far as such law has by legislative enactment been altered or abolished, or is opposed to any custom prevailing in the province of Oudh.

In cases not provided for by the former part of this section or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

Presiding officer of Court not to try certain suits.

XXXII. No presiding officer of any Court having jurisdiction under this Act shall try any suit or appeal in which he is a party or personally interested, or any appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal.

Disposal of such suits.

When any such suit, appeal or proceeding comes before any such presiding officer, he shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

The superior Court shall thereupon dispose of the case in the manner prescribed by section six, Act VIII of 1859.

Power to appoint Additional Judicial Commissioner.

In the event of an appeal being preferred to a Judicial Commissioner from a judgment or order passed by him in any other capacity, or in which he has any personal interest, he shall report the fact to the Chief Commissioner, who, with the sanction of the Governor General in Council, shall appoint a Commissioner to be an Additional Judicial Commissioner for the disposal of the case.

Suspension and removal of presiding officers.

XXXIII. The presiding officer of any Court under this Act may, for any misconduct, be suspended or removed by the Governor General in Council.

The presiding officer of any Court of the second, third or fourth grade may, for any misconduct, be suspended by the Chief Commissioner, but shall not be removed without the sanction of the Governor General in Council.

The presiding officer of any Court of the first grade may, for any misconduct, be suspended or removed by the Chief Commissioner.

Appointment of ministerial officers of lower Courts.

XXXIV. The ministerial officers of the Courts of the first and second grades shall be appointed by the Deputy Commissioner within whose local jurisdiction such Courts are situate.

Fining, suspension and removal of ministerial officers.

XXXV. Every Court of the first and second grades may fine, in an amount not exceeding one month's salary, any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. The Deputy Commissioner, subject only to the general control of the Commissioner, may on appeal or otherwise reverse or modify every such order, and may of his own motion remove, suspend from office, or fine up to the amount of one month's salary, any ministerial officer of any Court subordinate to him.

Appointment of ministerial officers of superior Courts.

XXXVI. The Civil Judge of Lucknow, Deputy Commissioner, Commissioner and Judicial Commissioner shall appoint the ministerial officers of their respective Courts; provided that the appointment by the Civil Judge of Lucknow, or a Deputy Commissioner or Commissioner of a ministerial officer whose monthly salary exceeds fifty rupees shall be subject to the sanction of Judicial Commissioner.

Removal, suspension and fining of such officers.

XXXVII. The Civil Judge of Luckwow, Deputy Commissioner, Commissioner and Judicial Commissioner may remove or suspend the ministerial officers of their respective Courts, or fine them in an amount not exceeding one month's salary; but every such removal or suspension made by a Commissioner, Deputy Commissioner or the Civil Judge of Lucknow shall be subject to the general control of the Judicial Commissioner.

Recovery of fines.

XXXVIII. Any fine imposed under this chapter shall, if the order imposing it so directs, be recovered from the offender's salary.

Saving of general control of Chief Commsisioner.

XXXIX. Nothing in this chapter shall be deemed to bar the general control of the Chief Commissioner over all appointments and removals of ministerial officers under this Act.

Amendment of Act XIX of 1868.

XL. Act No. XIX of 1868 shall be construed as if, for "Financial Commissioner" in sections eighty-four, ninety-three, ninety-four and ninety-eight, the words "Judicial Commissioner," and, in section ninety-nine, the words "Chief Commissioner" were substituted.

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No. and year.	TITLE.	Extent of repeal.
Act VIII of 1859 ...	An Act for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.	Sections 332, 372, 373, 374 and 375, so far as they relate to Oudh.
Act XIV of 1865 ...	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	The whole, so far as it relates to Oudh.
Act XVI of 1865 ...	An Act to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits.	The whole.

Acts,—*continued.*

No. and year.	Title.	Extent of repeal.
Act XIII of 1866 ...	An Act to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province.	The whole.
Act XXVII of 1867.	An Act to empower Deputy Commissioners in the Central Provinces, the Panjáb, Oudh and the Jhánsí Division to distribute the business in subordinate Courts.	So far as it relates to Oudh.
Act XI of 1871 ...	An Act to abolish the Financial Commissionership of Oudh.	The whole.

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No. 12, dated 4th February 1856. No. 3502, dated 6th October 1858.	.....	So much as prescribes the constitution and jurisdiction of the Civil Courts in Oudh.
Notification dated 6th August 1861.	.....	First proviso.
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ACT No. XXXIII of 1871.

(Received the assent of the Governor General on the 18th November 1871.)

THE PANJAB LAND-REVENUE ACT, 1871.

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AN ACT TO CONSOLIDATE AND DEFINE THE LAW RELATING TO THE SETTLEMENT AND COLLECTION OF LAND-REVENUE IN THE PANJAB, AND FOR OTHER PURPOSES.

Preamble.

WHEREAS the Government of India is by law entitled to a proportion of the produce of the land of the Panjáb to be, from time to time, fixed by itself; and whereas it is expedient to consolidate and define the law relating to the settlement and collection thereof, and to the duties of Revenue Officers in the Panjáb; It is enacted as follows :—

PRELIMINARY.

Short title.

I. This Act may be called "The Panjáb Land-Revenue Act, 1871:"

Local extent.

It extends to the territories subject to the Lieutenant-Governor of the Panjáb, but not so as to affect the validity of any Regulation made by the Governor General under the provisions of 33 Vic., Cap. 3, or any portion of the territories to which this Act extends;

Commencement.

And it shall come into force on the first day of January 1872.

'Estate' defined.

For the purposes of this Act, "Estate" means a village or other local area with which a separate settlement is made.

CHAPTER I.

REVENUE OFFICERS.

Grades of Revenue Officers.

II. There shall be in the Panjáb the following grades of Revenue Officers :—

(1), the Financial Commissioner, who shall, subject to the Lieutenant-Governor, be the chief controlling revenue authority in the Panjáb;

(2), Commissioners, each of whom shall, subject to the control of the Financial Commissioner, be the chief controlling revenue authority within a division;

(3), Deputy Commissioners, each of whom shall, subject to the control of the Commissioner, be the chief executive revenue authority in a district;

(4), Tahsíldárs, each of whom shall, subject to the control of the Deputy Commissioner, be the chief executive revenue authority in a tahsíl or sub-district.

III. The Financial Commissioner shall be appointed and may be removed by the Local Government with the previous sanction of the Governor General in Council. Appointment and removal of Financial Commissioner.

IV. Commissioners and Deputy Commissioners shall be appointed and may be removed by the Local Government. Appointment and removal of Commissioners, Deputy Commissioners, and Tahsíldárs.

Tahsíldárs shall be appointed and may be removed by the Deputy Commissioner with the previous sanction of the Financial Commissioner.

V. The Local Government may invest any Assistant Commissioner or Extra Assistant Commissioner with all or any of the powers hereinafter conferred upon Deputy Commissioners. Assistant Commissioners, &c., may be invested with powers of Deputy Commissioner.

The Deputy Commissioner may distribute amongst the Assistant Commissioners, Extra Assistant Commissioners and other subordinate officers of his district, as he thinks proper, such revenue duties as, under this or any other Act in force for the time being, they are authorized to perform.

VI. The Local Government shall make rules as to the appointment, duties, payment, and removal of Lambardárs or Village Headmen, Patwárís or Village Accountants, Kanungos or Superintendents of Village Accountants, such regard as the Local Government thinks fit being had to custom or descent. Rules as to village officers.

Where by any such rule the appointment of Patwárís is directed to be made by the landowners of a village, the neglect or refusal of such landowners to make any such appointment within a prescribed time shall be punishable with such fine as the Local Government directs: and such fine shall be recoverable as an arrear of land-revenue.

CHAPTER II.

OF SETTLEMENTS.

VII. Whenever the amount of revenue to be paid in a district or other local area is being assessed or re-assessed, or whenever the record of rights hereinafter described is being either made or revised under the provisions hereinafter contained, a settlement is said to be in progress; a district or other local area in which a settlement is in progress is said to be under settlement. Settlement in progress. District under settlement.

VIII. Whenever any person or persons are permitted to engage with the Government for the payment of revenue due in respect of any land, they are said to be settled with, or a settlement is said to be made with them in respect of that land. Person settled with.

IX. The Local Government shall, with the previous sanction of the Governor General in Council, give written instructions to the officer in charge of a settlement, stating the principle on which the revenue in such settlement is to be assessed. No Court of justice shall be entitled, under any circumstances, to require the production, or shall permit evidence to be given of the contents, of such instructions. Instructions for settlement to state principle of assessment.

X. Settlements may be of the following kinds:— Three kinds of settlements.

(1), a summary settlement is a provisional settlement, made pending a first regular settlement: the declaration of the Local Government that a settlement was summary shall be conclusive proof that it was so;

(2), a first regular settlement is a setttlement in which the revenue is assessed, and a record of rights is, for the first time, formed;

(3), a re-settlement is a settlement, subsequent to a first regular settlement, in which either the revenue is re-assessed, or the record of rights is revised, or in which both these processes are conducted.

XI. Whenever a district or other local area is to be put under settlement, the Local Government shall, with the previous sanction of the Governor General in Council, issue a notification of settlement. Notification of settlement.

Such notification shall—

(1), define the local area which is to be put under settlement;

(2), mention such of the officers by whom it is to be made as to the Local Government seems fit; and, in every case in which judicial powers are conferred, shall specify the powers so conferred: the officers so mentioned shall be called Settlement Officers, and the principal officer so mentioned shall be the officer in charge of the settlement;

(3), declare whether the settlement is a summary settlement, a first regular settlement, or a re-settlement; and, in the case of a re-settlement, whether there is to be a re-assessment of revenue, or revision of the record of rights, or both;

(4), declare whether surveys and plans are to be made, and, in the case of a first regular settlement, whether the boundaries of villages and estates are to be adjusted.

Power to amend notification.

XII. The Local Government may, with the previous sanction of the Governor General in Council, from time to time, amend the settlement notification, and may prescribe the order in which the Settlement Officers shall discharge their duties, or alter the duties to be discharged by them.

Local Government may remove Settlement Officers and appoint new ones.

XIII. The Local Government may remove any of the Settlement Officers mentioned in the notification, and appoint others to succeed them, or to act for them during their temporary absence.

Of what documents records of rights are to consist.

XIV. Records of rights hereafter to be made shall consist of the following documents:—

Maps and measurements.

(1), maps and measurement papers, showing the boundaries of the village or place in respect of which the settlement is to be made, and the fields into which it is divided:

Settlement of occupants and owners.

(2), a statement of the occupiers and owners of the fields specified in the said maps, and of the lands occupied or owned by them, and of the terms on which they are so owned or occupied:

Tender of engagement.

(3), a tender on behalf of the person or persons settled with to engage for the payment of the revenue during the term for which the settlement is made:

Statement of holdings, amount of revenue payable, &c.

(4), a statement of the shares or holdings of the different persons settled with, and of the amount of revenue for which, as between each other, they are to be responsible; and a statement of persons holding lands free of revenue and of the lands so held:

Terms of payment and village customs.

(5), a statement of the terms on which the persons settled with agree to pay the revenue assessed, and of the customs of the village or place in respect of which the settlement is made; such statement shall be so arranged as to distinguish such customs as regulate—

(*a*), the relations of the persons settled with to the Government;

(*b*), the relations of the persons settled with towards one another;

(*c*), the relations of the persons settled with to other persons.

Abstract of proceedings at settlement.

(6), an abstract of the proceedings at the settlement, which shall contain a statement of all judicial decisions passed by the Settlement Officers in the course of the settlement.

Form, language and contents of documents.

XV. The Local Government shall from time to time prescribe the form, language and contents of each of the documents mentioned in the last preceding section, and the manner in which each shall be prepared, signed and attested; and may direct, either generally or in any particular case, other documents besides those specified to be containd in the record of rights.

Proof and effect of decisions by Settlement Officers.

XVI. Judicial decisions passed by Settlement Officers shall be proved in the same manner, and shall have, when proved, the same effect, as judgments delivered by Civil Courts.

Entries in the record of rights made or authenticated at a regular settlement or re-settlement in the manner prescribed by the Local Government shall be presumed to be true. Authenticated entries in record of rights to be presumed true.

XVII. A settlement notified under section eleven shall be deemed to be in progress until sanctioned by the Local Government. Such sanction may be either Sanction of settlement.

(1), of the record of rights, or

(2), of the assessment, or

(3), of the record of rights and of the assessment.

The Local Government, on the report of the Financial Commissioner that the operations of the settlement are complete, may, previous to sanction, direct that the record of rights be handed over to the Deputy Commissioner of the district, and that the special jurisdiction conferred on any officer under section twenty one or twenty-two of the Panjáb Courts Act, 1865, shall cease, and that the suits pending in the Courts of any such officers, or appeals from, or applications for the review of, the judgments of such officers, be tranferred to the ordinary Civil Courts, or to the Court of any officer appointed by the Local Government for the purpose of disposing of such suits, appeals or applications.

XVIII. The assessment or record of rights may be revised if the Local Government so directs, at any time before they are sanctioned respectively. Revision of record of rights.

XIX. When a record of rights made in any district or other local area at a regular settlement has been sanctioned, it shall not be revised until such district or local area is again put under settlement, nor shall it at such subsequent settlement be revised otherwise than by Time and manner of revision.

(*a*), making entries in accordance with facts which have occurred since the date of the abstract specified in clause six of section fourteen ;

(*b*), making such alterations of the record as are agreed to by all the parties interested therein, or are supported by a judicial decision ;

(*c*), making new maps, surveys or measurement, when the Local Government so directs, and amending such of the documents of the record of rights as depend thereon, so as to accord with such new maps, surveys or measurement; but not so as to alter any statement as to the share or holding or status of any person, except in the cases mentioned in clauses (*a*) and (*b*) of this section.

XX. Any person who considers that he is aggrieved as to any right of which he is in possession, by any entry made in a record of rights, may, after such record of rights has been sanctioned, bring a suit in Civil Court for a declaration that such entry is incorrect, and that a different entry ought to have been made. The Government and every person interested in such entry shall be made defendants in every such suit. Suit for declaration that an entry is incorrect.

A decree obtained in such suit shall be of the same effect as if the entry which it declares to be correct had been made originally in the record of rights. Effect of decree.

The provisions of this section shall not apply to any entry having the force of an agreement under section two of the Panjáb Tenancy Act, 1868, as amended by this Act.

XXI. Instead of the last clause of section two of the Panjáb Tenancy Act, 1868, the following shall be read: "All entries in such record, made previously to the passing of the Panjáb Land-Revenue Act, 1871, in respect of matters comprised in Chapters III, IV, V and VI of this Act shall, when attested by the proper officer, be deemed to be agreements within the meaning of this section. Amendment of section two, Act XXVIII of 1868.

XXII. Any Revenue Officer, and, in a district under settlement, any Settlement Officer, may, by a notice in writing, require the persons liable for the revenue of any village, estate or field to erect or repair boundary-marks Erection and repair of boundary marks.

sufficient for defining the limits of such village, estate or field; and if such boundary-marks are not so constructed or repaired within a period to be specified in the notice, such Revenue or Settlement Officer may cause boundary-remarks to be so erected or repaired; and the cost of such erection or repair shall be recoverable from the persons liable for the revenue of such village, estate or field, as if it were an arrear of land-revenue due in respect of such village, estate or field.

Power to issue commissons to take evidence, or for local investigations, and to refer to arbitration.

XXIII. Settlement Officers may issue commissions to take evidence, or for local investigations, according to the provisions of the Code of Civil Procedure, and may, if empowered by the Local Government, refer any matter in dispute to arbitrators, whether with or without the consent of parties. The arbitrators to be appointed under this section shall exercise such powers, proceed in such manner, and their finding shall be liable to such appeal, as the Local Government directs.

Power to compel attendance of witnesses.

XXIV. Settlement Officers shall have the same power to compel the attendance of all persons whom they believe to be able to give them information as to the matters into which they are empowered to inquire under the notification mentioned in section eleven, as the Judges of Civil Courts have to procure the attendance of witnesses under the Code of Civil Procedure; and all persons who appear before such officers are bound to state the truth upon all such matters, and to produce such documents and other things as may be required of them.

Power to enter lands to make surveys, &c.

XXV. Settlement Officers and the servants and workmen employed by them, shall have the powers specified in the Land Acquisition Act (X of 1870), section four, for the purpose of making such plans and surveys as are directed by the said notification, and of collecting such information as to the quality and produce of the land as may be necessary to enable them to assess the revenue to be paid thereon.

What to be deemed to belong to owners of estates.

XXVI. In regular settlements to be made hereafter, unless it is otherwise expressly provided in the records of the settlement, all forests, unclaimed, unoccupied, deserted or waste lands, quarries, spontaneous produce and other accessory interests in land shall be deemed to belong to the owners of the estate within the boundaries of which they are at such settlement included.

Settlement of waste lands in excess.

XXVII. When the waste land belonging to or adjoining an estate is so extensive as, in the opinion of the Deputy Commissioner or officer in charge of a settlement, to exceed the requirements of the owners of such estate with reference to pasturage or other useful purpose, such Deputy Commissioner or officer may at any time, with the sanction of the Financial Commissioner, make a separate settlement of the waste land which he considers to be so in excess, and shall offer such waste land at such assessment, for such term and on such conditions as he thinks fit to the owners of the estate to which it belongs, and if they refuse such offer, to the owners of any estate to which such waste land adjoins; and if they refuse such offer, to any other person:

Allowance to owners refusing such settlement.

Provided that, where the owners of the estate to which such waste land belongs refuse such offer, the Deputy Commissioner shall assign to them an annual allowance not less than five and not more than ten per cent. on the nett proceeds realized by Government from such waste lands.

Presumption of ownership of forests, waste lands, &c., in regular settlements made before passing of Act.

XXVIII. In regular settlements made before the passing of this Act, unless it is otherwise expressly provided in the records of such settlement all forests, unclaimed, unoccupied, deserted or waste lands, quarries, spontaneous produce and other accessory interests in land, whether included within the boundaries of an estate or not, shall be presumed to belong to the Government.

This presumption may be defeated by showing, from the assessment of the estate, that any such forest, unclaimed, unoccupied, deserted or waste land

quarry, spontaneous produce or other accessory interest was taken into account in such assessment; in which case any thing which was so taken into account shall be presumed to belong to the owners of the estate so assessed. The question whether any such forests, unclaimed, unoccupied, deserted or waste lands, quarries, spontaneous produce, or other accessory interests were or were not taken into consideration in determining the amount of revenue to be assessed, shall be determined by a consideration of the reports made by the Settlement Officer to Government at the time of settlement or, if the report is silent, by a comparison between the rates assessed in villages in which such forests, unclaimed, unoccupied, deserted or waste lands, quarries, spontaneous produce or other accessory interests did, and villages of similar character in which they did not, exist.

Mines to be deemed to belong to Government.

XXIX. Mines of metal or coal and gold-washings shall in every case be deemed to be the property of Government. But if Government works or causes to be worked any such mine, compensation for damage to the surface of the soil shall be made to the owner of such surface.

Such compensation may be claimed, and shall be ascertained and awarded in accordance with the provisions of Act X of 1870.

CHAPTER III.

Engagements for Payment of Land-Revenue.

With whom settlement is to be made

XXX. When the land in respect of which the settlement is to be made is owned by one person, the settlement shall be offered to that person.

When such land is owned by several persons, it shall be offered to such persons through their representatives.

When there are two classes of owners, superior and inferior, the settlement may be offered to either class, according as the Financial Commissioner directs.

If one of such classes refuses the offer of the settlement, it shall be offered to the other class.

Settlement Officer to report amount of assessment and how computed.

XXXI. When the officer in charge of the settlement has satisfied himself as to the amount at which an estate should be assessed, he shall submit a report of such amount and of the grounds on which it is computed to the Commissioner; and the Commissioner shall forward such report, together with his own opinion thereon, to the Financial Commissioner.

Financial Commissioner to give instructions as to terms.

XXXII. The Financial Commissioner shall give such instructions as he thinks fit to the officer in charge of the settlement as to the terms on which the persons with whom the settlement is to be made shall be permitted to offer to engage for the revenue, and such officer shall inform such persons that they may make an offer on such terms, but that Government is not bound to accept such offer.

Effect of agreement to offer.

XXXIII. If the persons with whom the settlement is to be made agree to make such offer, they shall become liable, from the date of such agreement, to the payment of the amount of revenue mentioned in the said offer; but the Local Government may refuse to accept such offer, and may require any officer whom it may appoint for that purpose to offer the land to such persons at any other rate of revenue, or for any other term, or generally on any other conditions than those offered.

Offer may be refused.

Offer to be binding until refusal is notified.

XXXIV. Until such refusal and offer of new terms on the part of the Government are notified to the persons with whom the settlement is to be made, they shall be bound by, and shall continue to hold their lands on the terms of, the offer permitted by the Financial Commissioner to be made.

Liability of landowners in an estate.

XXXV. All the owners of land in an estate shall be jointly and severally liable for the payment of the whole amount of revenue assessed upon it, and to all the processes hereinafter prescribed for the collection of arrears of revenue.

If Headmen accept, village community is bound.

XXXVI. If all the Village-Headmen in a village community agree to make such offer, such village community shall be bound by such agreement.

Effect of refusal to offer.

XXXVII. If the persons with whom the settlement is to be made neglect or refuse to make such offer as is mentioned in section thirty-two, or to accept any offer made to them under section thirty-three, the officer in charge of the settlement may exclude such persons from their estate, and may make a settlement of such estate with any other persons, or may take the estate under direct management. The period of such exclusion shall, in no case, exceed the term of the settlement.

Allowance to persons excluded.

Any persons who are so excluded shall be entitled to an allowance from Government, the amount of which shall be fixed by the Financial Commissioner, but which shall not be less than five per cent., nor more than ten per cent., on the nett amount realized by Government from the land from which such persons are excluded.

Land to be held on terms of expired settlement until new one is made.

XXXVIII. If the term for which any settlement has been made expires before a new settlement is made, all persons who continue to occupy the land after the expiration of such term shall hold it upon the conditions of the expired settlement until a new one is made.

CHAPTER IV.

Maintenance of the Record of Rights.

Recording of facts affecting record of rights

XXXIX. When a record of rights has been handed to the Deputy Commissioner under the provisions of section seventeen, he shall from time to time record, or cause to be recorded, all facts affecting any matter stated in the record of rights which occur subsequent to the handing to him of the record of rights.

Rules for such recording.

XL. The Local Government shall make rules as to the facts to be so recorded and the manner in which, the persons by whom, and the occasions on which, such facts are to be recorded, and as to the fees which are to be paid in respect of recording them.

Rules for settlement of lands of which revenue is resumed, &c.

XLI. The Local Government shall from time to time make rules as to the procedure to be followed in making or modifying settlements of lands of which the revenue has been assigned and is resumed by Government, lands affected by alluvion, diluvion or other river action, waste lands settled under the provisions of section twenty-seven, and other isolated portions of land.

Such rules may provide for any matters which may be provided for in a notification of settlement under section eleven, and the officers empowered by such rules to act as Settlement Officers shall have all the powers hereinbefore given to Settlement Officers.

CHAPTER V.

Collection of Land-Revenue.

Local Government may make rules as to payment of revenue.

XLII. The Local Government may from time to time make rules as to the instalments by which, and the places and times at which, the revenue payable in respect of any land shall be paid, and for the mode in which notice as to such instalments, places and times shall be given to the persons concerned : and, until the Local Government shall otherwise direct, the practice as to these matters now observed shall continue to be observed.

Revenue to be paid at place and on day appointed.

It is the duty of every person who has engaged to pay any portion of land-revenue to pay the same at the place, and before sunset of the day, appointed by the Local Government in that behalf.

Effect of non-payment.

Any sum not so paid becomes thereupon an arrear of land-revenue, and the person who owes such arrear becomes a defaulter.

Procedure for recovery of arrears.

XLIII. When an arrear of land-revenue has become due, the Deputy Commissioner may issue a warrant ordering the defaulter to pay the amount within a time therein stated, and empowering an officer to be named in the warrant, in default of the arrear being so paid, to bring the defaulter to the tahsil at a date to be named in the warrant.

Warrant.

Detention at head quarters of Deputy Commissioner.

If the arrear be not paid, and if, on the day named in the warrant, the defaulter does not show satisfactory cause for extending the time for payment of the arrear, the Deputy Commissioner may direct such person to be conveyed to his head quarters and there kept under personal restraint for ten days.

The Deputy Commissioner may empower any Tahsildár of his district to exercise the powers conferred by the two preceding clauses of this section.

Imprisonment in civil jail.

If the arrear be not paid within ten days, and no good reason for the delay is shown, the Deputy Commissioner may issue an order to the jailor of the civil jail of the district, directing him to confine the defaulter therein as a civil prisoner until the arrear is paid, or until the expiration of such period, not exceeding one year from the date of the order, as the Deputy Commissioner thinks fit; and such person shall be confined according to the terms of such order; and he may order the distraint and sale of the moveable property of any such person, with the exception of instruments of husbandry, cattle actually employed in agriculture, and the tools of artisans; or he may order either of the above processes to be enforced.

Distraint and sale of moveables.

Conduct of sale.

Every sale ordered under this section shall be conducted according to the law in force for the time being for the sale of moveable property under the decree of a Civil Court.

When defaulter may be discharged.

Wherever any of the processes provided in sections forty-six, forty-seven, forty-nine or fifty-two has been enforced in respect of an arrear, the defaulter on account of whose arrear such process has been enforced shall, if he has been imprisoned under this section, be forth with discharged.

When Civil Court may interfere.

XLIV. No proceeding had, or process enforced, under section forty-three, shall be liable to be contested in any Civil Court, unless the person aggrieved thereby denies that the amount of revenue claimed was due, and tenders security for any arrear in respect of which the process was issued, or which is due or is likely to become due before the termination of the suit, and for any costs arising out of the proceedings in the Civil Court, in which case the Court shall issue a precept to the Deputy Commissioner to discharge the prisoner from custody; but the Court shall in no case interfere with any such distress and sale of moveable property as aforesaid.

Party proceeded against may pay under protest and sue for recovery.

XLV. If any such process as is mentioned in section forty-three is taken against any person, such person may pay the amount claimed under protest, and, upon such payment, such process shall be withdrawn, and the party against whom it was issued may sue the Government in any Civil Court for the amount so paid.

Land may be attached and taken under direct management.

XLVI. When an arrear of land-revenue has become due, the Deputy Commissioner may in addition to or instead of the processes hereinbefore specified, cause the land in respect of which the arrear has become due to be attached and taken under the direct management of any agent whom he appoints for that purpose. The agent so appointed shall stand for all purposes in the position of the person on account of whose default the land was attached, and shall be bound by all the engagements or other relations which existed between such person and any subordinate proprietors or tenants with rights of occupancy, and shall be entitled to manage the land attached, and to receive all rents and profits accruing on such land, to the exclusion of the person on account of whose default the land was attached, until the arrears of land-revenue due therefrom have been satisfied, or

Powers and obligations of agent.

until the Deputy Commissioner directs him to restore the person whose interest has been attached to the management thereof.

Application of surplus profits.

All surplus profits of the land attached, beyond the cost of such attachment and direct management, shall go to defraying the arrear and any instalment of land-revenue that may become due during such management.

Termination of management.

And no such management shall continue after the arrear of revenue on account of which it was ordered, together with any such instalment, has been satisfied.

Transfer of share of defaulter to solvent co-sharers.

XLVII. If an arrear of land-revenue has accrued in respect of the share of any member of a village community, such community or any member thereof may tender payment of such arrear, or may offer to pay such arrear by instalments; and, if such tender be made, or if the Deputy Commissioner considers such offer satisfactory, the Deputy Commissioner may transfer the share of the defaulting member to such community or member, on such terms as he considers equitable, either permanently or until such arrear is paid. If more such members than one make such tender or offer, the one who is most nearly related to the defaulter, or who in case of sale, would have a right of pre-emption, shall be preferred.

When transfer of share is to become absolute.

XLVIII. If such share is so transferred until the arrear is repaid, and if the arrear is not repaid within twelve years, the community or member to whom the share has been so transferred may apply to the Deputy Commissioner to publish a notification that, if the arrear is not paid within one year from the date thereof, such transfer will become absolute; and the Deputy Commissioner may publish such notification accordingly; and if the arrear is not paid before the expiration of one year from the date of the notification, the transfer to such community or member shall become absolute accordingly.

Sections 47 and 48 to apply to mortgagees and other incumbrancers.

XLIX. The provisions contained in the two preceding sections in favour of members of a village community shall extend to mortgagees and other persons having incumbrances on the land on which the arrear is due, in case neither the community nor any member thereof take action under the said provisions.

Processes not to affect joint and several liability of community.

L. The procedure prescribed in the three preceding sections shall not affect the joint and several liability of the members of the village community in which it is enforced.

Notice to cancel settlement.

LI. When any arrear of land-revenue remains unpaid for more than one month, the Deputy Commissioner, in addition to or instead of any of the processes hereinbefore provided, may, with the previous consent of the Financial Commissioner, cause to be published upon the land in respect of which such arrear is due, a notification that, unless the arrear is paid within fifteen days from the date thereof, the settlement made in respect of the estate on which such arrear is due, or in respect of any portion of such estate, and all contracts made by the defaulter or any person through whom he claims, affecting such estate or portion of an estate, will be cancelled.

Service of notice.

A copy of such notification shall be stuck up at the tahsíl, and be served on each of the Village Headmen of the village in which the arrear has accrued.

On cancelment of settlement land may be managed by agent or let in farm.

LII. If such arrear of land-revenue is not paid within fifteen days from the date of the notification, the said settlement and all contracts made by the defaulter or any person through whom he claims, affecting the land in such estate or portion of an estate, shall be cancelled; and the Deputy Commissioner, with the previous consent of the Financial Commissioner, may either appoint an agent to manage the land, or may let the land in farm to any person who may be willing to accept the same, for such period and on such conditions as he

thinks fit; and such farmer may, during such period, either occupy the land himself or sub-let the same to such persons on such terms as he may think proper:

Lease to be first offered to owners of land.

Provided that, in every case in which the provisions of this section are enforced, no lease of any of the lands mentioned in the notification shall be made to any other person till it has been first offered to the owners of such land: and such owners shall, if they accept the offer of the lease, be deemed, in the absence of express agreement to the contrary, to hold as tenants-at-will.

A cancelment under this section shall not affect any person, other than the defaulter or his representatives, having an interest in such estate which existed at the date of the last previous settlement.

Persons dispossessed to have allowance.

LIII. Whenever any person is dispossessed of any beneficial interest in land by any such attachment, direct management, transfer or cancelment as is provided in this chapter, he shall be entitled to an allowance in respect thereof such as is provided in section thirty-seven.

Farmer of share in village community when not liable for revenue of other shares.

LIV. If the share of any member of a village community is let to farm, under the provisions hereinbefore contained, to any person other than a member of the village community, such person shall not, during the term of his farm, be liable for the land-revenue due in respect of the other shares in the village community, and if such person is a member of the village community, he may, if the Financial Commissioner so direct, be freed from joint and several liability in respect of such share.

Attachment of interest of defaulter in other land.

LV. When an arrear of revenue cannot be recovered by any of the processes hereinbefore described, the Deputy Commissioner may, with the previous sanction of the Financial Commissioner, order the attachment, under section forty-six, of any beneficial interest to which the defaulter is entitled in any other land, and may apply the provisions of that section to such land until the arrear is satisfied.

What may be sold

LVI. If the Deputy Commissioner is of opinion that an arrear of land-revenue cannot be recovered by any of the means hereinbefore mentioned, he may, with the previous sanction of the Financial Commissioner, sell, by auction—any land in respect of which such arrear has accrued, or any portion or share of such land; or any land or houses, or interest in land or houses, other than that in respect of which such arrear has accrued, to which the defaulter is entitled: but no land or house shall be liable to be sold under this section, if the land is subject to the Court of Wards, or is so circumstanced that the Court of Wards might exercise jurisdiction over it; or if the land is under attachment under this Act, and the arrear has accrued during such attachment: or if the land is held in farm under this Act by a person who is not a member of the village community within whose estate such land is situated, and if the arrear has accrued during the term for which it is so held in farm.

Whenhouse or land may not be sold.

Land to be sold free of incumbrances.

LVII. Land or other property sold under the last preceding section shall be sold free of all incumbrances, and all contracts made by any person in respect of such land or property shall become void as against the purchaser at the auction-sale.

Procedure to be followed in sales.

LVIII. In all sales under section fifty-six, the procedure provided by sections two hundred and forty-nine, two hundred and fifty-three to two hundred and sixty, inclusive, of the Code of Civil Procedure, shall be followed, except in the following particulars:—

(1.) The defaulter may pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, and upon such payment the sale shall be stayed:

(2.) The proclamation of intended sale provided in the said section two hundred and forty-nine shall declare that the land is to be sold free of every

incumbrance, except the land-revenue and other legal charges to which it may be from time to time assessed:

(3.) The appeal provided in section two hundred and fifty-seven of the said Code shall lie to the Commissioner of the division, and an appeal from the Commissioner's order shall lie to the Financial Commissioner:

(4.) The certificate provided in section two hundred and fifty-nine of the said Code shall state that the purchaser has purchased the land to which the certificate refers free of every incumbrance, except the land-revenue and other legal charges to which it may be from time to time assessed.

Suit to set aside sale.

LIX. A suit may be brought in a Civil Court to set aside any such sale on any ground on which a sale under the Code of Civil Procedure might be set aside; but not on any of the following grounds:—

(1), that a tender of the arrear of land-revenue on account of which such sale took place was made on or after the day named for the sale in the proclamation of intended sale;

(2), that the defaulter had any claim against the Government;

(3), that the revenue due from the defaulter had been remitted, unless the Local Government admits it;

(4), that money belonging to the defaulter, and sufficient to satisfy the whole or any part of the arrear, was in any Government treasury, unless the defaulter had an exclusive and undisputed property therein, and unless, after the application by the defaulter within the time specified in the notification of intended sale that such money should be applied to the satisfaction of the arrear, the Deputy Commissioner neglected or refused upon insufficient grounds so to apply it; or where land is sold for an arrear of revenue due in respect thereof,

(5), that the land sold does not belong to the defaulter.

Application of proceeds of sale.

LX. The proceeds of any sale under section fifty-six shall be applied as follows:—

(1), to the payment of the arrear due;

(2), to the payment of any other arrear of the land-revenue due by the same person;

(3), the surplus shall be paid to the person whose land has been sold; or, if the land sold were held in shares, then to the co-sharers collectively, or according to the amount of their respective interests, at the discretion of the Deputy Commissioner.

Rules as to payment of surplus to creditors.

LXI. Such surplus shall not be payable to any creditor of the person whose land has been sold on demand of such creditor, nor shall it be retained in the land-revenue treasury, except under precept of a Civil Court and in satisfaction of a decree of such Court; and, whenever such surplus has been paid to the creditors of the owner of any land under a precept of such Court, and the sale of such land is afterwards annulled, such owner shall not be restored to possession, until the amount so paid is returned by him with such interest as the Deputy Commissioner directs.

Purchaser's liability.

LXII. The person named in the certificate of title as purchaser shall be liable for all instalments of land-revenue which may fall due subsequently to the date of the certificate.

Application of Act to existing arrears.

LXIII. The provisions of this chapter shall apply to all arrears of land-revenue due at the passing of this Act.

CHAPTER VI.

Miscellaneous.

Powers for recovery of revenue other than land-revenue.

LXIV. Deputy Commissioners may exercise all or any of the powers hereinbefore provided for the recovery of land-revenue, for the recovery of any other revenue due from any person to the Government.

Limitation of jurisdiction of Civil Courts.

LXV. No Civil Courts shall take cognizance of any of the following matters:—

(1), claims against Government brought by any person in respect of any matter connected with the offices mentioned in section six;

(2), claims against one another, as to partition, by persons who do not contest the correctness of the entries in the record of rights;

(3), the formation of the record of rights, the preparation, signing and attestation of the documents contained therein, or the notification of an intended settlement;

(4), any matter for which provision is made in section twenty-seven;

(5), the right of any person or persons to be settled with, or the validity of any engagement with Government for the payment of land-revenue;

(6), claims arising out of, or connected with, the collection of land-revenue, or any process enforced on account of neglect or refusal to engage, or on account of an arrear of land-revenue, except where it is otherwise expressly provided in this Act.

Appeal. In all the above cases an appeal shall lie to the Deputy Commissioner from all orders and decisions of any officer subordinate to him; and to the Commissioner from all orders and decisions original or appellate, of the Deputy Commissioner; and to the Financial Commissioner from all orders and decisions of the Commissioner.

Power to call for record of proceedings. The Financial Commissioner shall have power to call for the record of any proceeding had under this section by any Revenue or Settlement Officer, and to pass such order thereon as he thinks fit.

Conduct of proceedings. Such proceedings shall be conducted according to the rules prescribed by the Local Government.

Fees. Such fees shall be chargeable in respect of proceedings under this section, whether original or appellate, as the Local Government from time to time, with the sanction of the Governor General in Council, directs.

Power to make rules for purposes of Act. LXVI. The Local Government may, with the previous sanction of the Governor General in Council, make and issue, and may, with the like sanction, from time to time alter, rules in accordance with the provisions of this Act to regulate and specify—

(1), the proceedings of any officer or other person who, under any provision of this Act, is required or empowered to take action in any matter;

(2), the cases in which, the officers to whom, and the conditions subject to which, orders and decisions given under this Act, and not expressly provided for as regards appeal, shall be appealable;

(3), the persons by whom, the time, place and manner at or in which, anything for the doing of which provision is made in this Act shall be done;

(4), the amount of any fine to be imposed or charge to be made under the provisions of this Act;

(5), the form and contents of reports to be furnished by settlement officers, and the period within which such reports shall be so furnished;

(6), and generally to carry out the provisions of this Act.

Such rules shall be published in the official *Gazette*, and shall have the force of law.

Periodical re-publication of rules. LXVII. All rules having the force of law made under this Act shall, with the previous sanction of the Government of India, be re-published once at least every year, and, upon such re-publication, shall be arranged in the order of their subject-matter; and all such alterations or amendments as may have been made in the course of the preceding year, or may have become necessary or advisable, shall be embodied therewith; and upon such re-publication all previous rules shall be repealed.

Operation of existing rules. All rules heretofore prescribed by competent authority, in respect of any of the matters for which rules may be made under this Act, shall be deemed to be in force for six months after this Act comes into force, unless any rules on the same subject are previously issued by the Local Government.